

Michigan Register

Issue No. 20– 2002 (Published November 15, 2002)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 20 — 2002

(This issue, published November 15, 2002, contains
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John Engler, Governor



Dick Posthumus, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Department of Management and Budget, 1st Floor Ottawa Building, 611 West Ottawa, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$110.00 per year. Submit subscription requests to: DMB, Office of Administrative Services, P.O. Box 30026, 320 South Walnut Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform (517) 373-0526.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: www.state.mi.us/orr

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director
Office of Regulatory Reform

2002 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
2002		
18	October 1, 2002	October 15, 2002
19	October 15, 2002	November 1, 2002
20	November 1, 2002	November 15, 2002
21	November 15, 2002	December 1, 2002
22	December 1, 2002	December 15, 2002
23	December 15, 2002	January 1, 2002
24	January 1, 2002	January 15, 2002
2003		
1	January 15, 2003	February 1, 2003
2	February 1, 2003	February 15, 2003
3	February 15, 2003	March 1, 2003
4	March 1, 2003	March 15, 2003
5	March 15, 2003	April 1, 2003
6	April 1, 2003	April 15, 2003
7	April 15, 2003	May 1, 2003
8	May 1, 2003	May 15, 2003
9	May 15, 2003	June 1, 2003
10	June 1, 2003	June 15, 2003
11	June 15, 2003	July 1, 2003
12	July 1, 2003	July 15, 2003
13	July 15, 2003	August 1, 2003

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FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

ORR # 2002-009

DEPARTMENT OF STATE POLICE

SPECIAL OPERATIONS DIVISION

UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES

Filed with the Secretary of State on October 22, 2002

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of state police by 1956 PA 62, MCL 257.951 et seq.)

PART 1. WORDS AND PHRASES DEFINED

R 28.1001 Rule 1. Words and phrases.

(1) As used in this code:

- (a) "Act" means the Michigan vehicle code, 1949 PA 300, MCL 257.1 et seq.
- (b) "Alley" means a minor thoroughfare, opened to public use, for the purpose of ingress and egress to service adjacent buildings.
- (c) "Bicycle lane" means a portion of a street or highway that is adjacent to the roadway and that is established for the use of persons riding bicycles.
- (d) "Bicycle path" means a portion of a street or highway that is separated from the roadway by an open, unpaved space or by a barrier and that is established for the use of persons riding bicycles.
- (e) "Bus stand" or "bus stop" means a fixed area in the roadway, parallel and adjacent to the curb, to be occupied exclusively by buses for layover in operating schedules or by buses waiting for, loading, or unloading passengers.
- (f) "Clerk" means the person who keeps the records and performs the regular business of a governmental unit.
- (g) "Curb loading zone" means a space that is adjacent to a curb and that is reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- (h) "Freight curb loading zone" means a space that is adjacent to a curb and that is provided for the exclusive use of vehicles during the loading or unloading of freight.
- (i) "Governmental unit" or "municipality" means an incorporated city, an incorporated village, or a township.
- (j) "Official time standard" means the hours named in this code are hours of standard time or daylight-saving time, whichever is in current use in this governmental unit.
- (k) "Parking meter zone" means an area that is adjacent to a parking meter and that is set aside for the exclusive use of vehicles upon the deposit of a coin of United States currency in the parking meter as specified on the meter.
- (l) "Passenger curb loading zone" means a place that is adjacent to a curb and that is reserved for the exclusive use of vehicles during the loading or unloading of passengers.

- (m) "Stand" or "standing" means the halting of a vehicle, other than for the purpose of, and while actually engaged in, receiving or discharging passengers.
 - (n) "Stop," when required, means the complete cessation of movement.
 - (o) "Stop" or "stopping," when prohibited, means the halting, even momentarily, of a vehicle, whether occupied or not. The terms do not apply to the halting of a vehicle that is necessary to avoid conflict with other traffic or that is in compliance with the directions of a police officer or traffic-control sign or signal.
 - (p) "Taxicab" means a licensed public motor vehicle for hire that is designated and constructed to seat not more than 10 persons and that is operated as a common carrier on call or demand.
 - (q) "Taxicab stand" means a fixed area in the roadway that is set aside for taxicabs to stand or wait for passengers.
 - (r) "Tow-away zone" means a zone where parking, stopping, or standing is not permitted, as indicated by proper signs, and where vehicles parked in violation of the signs are towed away to keep the roadway clear for traffic movement.
 - (s) "U-turn" means a turn made on a roadway or in an intersection by a vehicle for the purpose of reversing its direction of travel.
- (2) If any word or phrase used in this code is not defined in this code, but is defined in the Act, PA 300, MCL 257.1 to 257.923, then the definition in the act shall apply to the words and phrases used in this code.

PART 2. TRAFFIC ADMINISTRATION AND AUTHORITY

R 28.1101 Rule 101. Police department; traffic duties.

It is the duty of the chief of police and the officers of the police department to enforce the street traffic regulations of this governmental unit and all state vehicle laws that are applicable to street traffic in this governmental unit, including making arrests for certain traffic violations, issuing citations for civil infractions, investigating accidents, cooperating with the city traffic engineer and other officials of this governmental unit in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and carrying out those duties specially imposed by this code and other traffic ordinances of this governmental unit.

R 28.1102 Rule 102. Authority of police directing traffic.

Officers of the police department or those officers that are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. However, in case of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions require, notwithstanding the provisions of the traffic laws.

R 28.1103 Rule 103. Authority of firemen directing traffic.

Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic at the scene of the fire or in the immediate vicinity.

R 28.1104 Rescinded.

R 28.1105 Rule 105. Impounding of vehicles; authority; procedure; public sale.

(1) Notwithstanding section 252d of the act, a police agency may provide for the immediate removal of a vehicle from public property or any other place open to travel by the public and impound the vehicle in any of the following circumstances:

- (a) When a vehicle is left unattended on a bridge, viaduct, causeway, subway, tube, or tunnel where the vehicle constitutes an obstruction to traffic.
- (b) When a vehicle is found being driven on the streets or highways in an unsafe condition that endangers persons or property.
- (c) When the driver of the vehicle is taken into custody by the police department and the vehicle would thereby be left unattended on the street.
- (2) A police agency that authorizes the removal of a vehicle under subrule (1) of this rule shall comply with the requirements of section 257d(2) to (7) of the act.

R 28.1105a Rescinded.

R 28.1106 Rescinded.

R 28.1107 Rescinded.

R 28.1108 Rescinded.

R 28.1109 Rescinded.

R 28.1110 Rescinded.

R 28.1110a Rescinded.

R 28.1110b Rescinded.

R 28.1110c Rescinded.

R 28.1110d Rescinded.

R 28.1110e Rescinded.

R 28.1110f Rescinded.

R 28.1110g Rescinded.

R 28.1110h Rescinded.

R 28.1110i Rescinded.

R 28.1112 Rescinded.

R 28.1113 Rescinded.

R 28.1114 Rescinded.

R 28.1115 Rescinded.

R 28.1116 Rescinded.

R 28.1117 Rescinded.

R 28.1117a Rescinded.

R 28.1117b Rescinded.

R 28.1117c Rescinded.

R 28.1117d Rescinded.

R 28.1118 Rule 118. Records of traffic violations; warrants.

(1) The chief of police shall maintain, or cause to be maintained, a record of all warrants that are issued on traffic violation charges and that are delivered to the police department for service. The chief of police shall also maintain, or cause to be maintained, a record of the disposition of all these warrants.

(2) This rule shall not apply to municipalities in which the records listed in subrule (1) of this rule are maintained by another agency or district court pursuant to a local agreement.

R 28.1119 Rescinded.

R 28.1120 Rescinded.

R 28.1121 Rescinded.

R 28.1122 Rule 122. Traffic accident studies.

If the accidents at any particular location become numerous, the police department shall cooperate with the traffic engineer in conducting studies of the accidents and shall determine remedial measures.

R 28.1123 Rule 123. Drivers' files.

(1) The police department shall maintain a suitable record of all traffic accidents, citations, arrests, dispositions, and complaints that are reported for each driver. The reported items shall be maintained in a manner that allows for retrieval by the name of the driver concerned. The records shall be maintained for not less than the most recent 5-year period.

(2) A photocopy or electronic image shall be maintained if the original document is sent to another agency or to a court, except as provided in subrule (3) of this rule.

(3) A photocopy or electronic image is not required to be maintained by the police department if the original document, photocopy, or electronic image is maintained by another office of the municipality.

R 28.1124 Rule 124. Annual traffic safety report.

The police department shall annually prepare a traffic report that shall be filed with the executive head of this governmental unit and the ordinance making body of this governmental unit. The report shall contain all of the following information on traffic matters in this municipality:

- (a) The number of traffic accidents.
- (b) The number of persons killed.
- (c) The number of persons injured.
- (d) The number of traffic accidents investigated.
- (e) The plans and recommendations of the police department for future traffic safety activities.
- (f) Other pertinent data on the safety activities of the police.
- (g) Other pertinent traffic accident data.

R 28.1125 Rule 125. Traffic engineer.

(1) The office of traffic engineer is hereby established. The traffic engineer shall be appointed in a manner prescribed by the ordinance making body and shall exercise the powers and duties provided in this code in a manner that is consistent with prevailing traffic engineering and safety practices and that is in the best interests of this governmental unit. If a traffic engineer is not appointed, then the authority of the engineer shall be vested in the chief of police.

(2) The traffic engineer shall be responsible for any duties specifically delegated to the local authority by the Act, unless another office is specifically designated by the Act or by this code or is by its nature the more appropriate office.

R 28.1126 Rule 126. Duties of traffic engineer.

(1) The general duties of the traffic engineer are as follows:

- (a) To plan and determine the installation and proper timing and maintenance of traffic-control devices.
 - (b) To conduct engineering analysis of traffic accidents and to devise remedial measures.
 - (c) To conduct engineering investigations of traffic conditions.
 - (d) To plan the operation of traffic on the streets of this governmental unit, including parking areas.
 - (e) To cooperate with other officials of this governmental unit in the development of ways and means to improve traffic conditions.
 - (f) To carry out the additional powers and duties imposed by the act and ordinances of this governmental unit.
 - (g) To otherwise regulate the movement and parking of vehicles within the municipality consistent with the act.
- (2) All duties carried out by the traffic engineer shall be in accordance with standard and accepted engineering practices as found in the Traffic Engineering Handbook, Fifth Edition, which is adopted by reference in these rules. The Handbook may be reviewed at the East Lansing Headquarters of the Michigan State Police, Special Operations Division, Traffic Services Section. The Handbook may be purchased from the Institute of Transportation Engineers, 1099 14TH Street, N.W., Suite 300 West, Washington, DC 20005-3438, or from the Michigan Department of State Police, Special Operations Division, Traffic Services Section, 714 South Harrison Road, East Lansing, MI 48823, at a cost as of the time of adoption of these rules of \$110.00 each.

R 28.1127 Rule 127. Emergency regulations.

The chief of police is hereby empowered to make and enforce temporary regulations to cover emergencies or special conditions. Temporary regulations shall remain in effect for not more than 90 days.

R 28.1128 Rule 128. Testing traffic-control devices.

The traffic engineer may test or experiment with traffic-control devices under actual conditions of traffic in accordance with procedures contained in the Michigan manual of uniform traffic-control devices.

R 28.1129 Rescinded.

R 28.1130 Rescinded.

R 28.1130a Rescinded.

R 28.1131 Rescinded.

R 28.1132 Rescinded.

R 28.1133 Rescinded.

R 28.1134 Rescinded.

R 28.1135 Rescinded.

R 28.1136 Rescinded.

R 28.1136a Rescinded.

R 28.1136b Rule 136b. Traffic-control devices on private property; violation as civil infraction.

(1) With the consent, or at the request, of the owners or persons in charge of private property that is open to the general public for travel, the traffic engineer may determine controls of the movement of vehicles and pedestrians and the parking of vehicles as needed for the safety and convenience of the public and users of the property. The traffic engineer shall place and maintain whatever traffic-control devices are necessary to give notice of the controls determined to be necessary.

(2) A person who violates the directions of the traffic-control devices is responsible for a civil infraction.

R 28.1137 Rule 137. Curb loading zones.

The traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs that indicate the zones and that state the hours during which the zones are restricted for loading purposes.

R 28.1138 Rule 138. Permits for curb loading zones.

The traffic engineer shall not designate or sign any curb loading zone upon special request of any person unless the person makes application for a permit for the zone and for 2 signs to indicate the ends of each zone. When approved by the traffic engineer, the clerk, upon granting a permit and issuing the signs, shall collect from the applicant and deposit with the treasurer a service fee for 1 year or a fraction thereof in an amount specified by resolution of the ordinance making body. The governmental unit may, by regulation, impose conditions upon the use of the signs and provide for reimbursement for the value of the signs if they are lost or damaged and for return of the signs if they are misused or upon expiration of the permit. The permit shall expire at the end of 1 year.

R 28.1139 Rule 139. Public carrier stands.

The traffic engineer is hereby authorized to establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on public streets, in places, and in number as he or she shall

determine to be of the greatest benefit and convenience to the public. Every bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs, which the traffic engineer shall cause to be erected.

R 28.1140 Rule 140. Permit for loading or unloading at an angle to the curb.

The traffic engineer may authorize the clerk to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of the permit. A permit may be issued either to the owner or lessee of real property or to the owner of the vehicle. A permit shall grant to the owner or lessee of real property the privileges that are stated in the permit and that are authorized in this code.

R 28.1141 Rule 141. Parking meter zones.

The traffic engineer is hereby authorized, subject to the approval of the ordinance making body, to determine and designate metered parking zones and to install and maintain as many parking meters as necessary in the metered parking zones, if it is determined that the installation of parking meters is necessary to aid in the regulation, control, and inspection of the parking of vehicles.

R 28.1142 Rule 142. Angle parking zones.

The traffic engineer shall determine the location of angle parking zones and shall erect and maintain appropriate signs that indicate the location and that give notice thereof, except that these zones shall not be established on state trunkline highways.

R 28.1143 Rescinded.

R 28.1144 Rule 144. Speed restrictions.

Notwithstanding section 629 of the Act, The traffic engineer is hereby authorized to establish prima facie speed limits in alleys and cemeteries.

R 28.1145 Rescinded.

R 28.1146 Rescinded.

R 28.1147 Rule 147. Authority to sign 1-way streets and alleys.

Where any 1-way street or alley is duly established, the traffic engineer shall place and maintain signs that give notice of the 1-way street or alley and the regulation shall not be effective unless the signs are in place. Signs that indicate the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

R 28.1148 Rule 148. Authority to restrict direction of movement on streets during certain periods.

The traffic engineer is hereby authorized to determine and designate streets, parts of streets, or specific lanes of streets on which vehicular traffic shall proceed in 1 direction during 1 period of the day and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The traffic engineer may erect signs that temporarily designate lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

R 28.1149 Rescinded.

R 28.1150 Rescinded.

R 28.1151 Rule 151. Prohibiting certain traffic.

The traffic engineer may, after an engineering and traffic investigation, designate any heavily traveled street under his or her jurisdiction as prohibited to a class or kind of traffic found to be incompatible with the normal and safe movement of traffic. The traffic engineer shall erect appropriate traffic-control devices that give notice of the determination.

R 28.1152 Rescinded.

R 28.1153 Rule 153. Traffic-control orders.

(1) The authority in the Act and this code to regulate traffic shall be exercised by the traffic engineer by the issuance of traffic-control orders that shall specify the rules and regulations adopted or established by him or her. The traffic-control orders shall become effective upon being filed with the clerk and upon erection of adequate signs or signals that give notice of the existence of the regulation, if signs or signals are required by the provisions of this code that pertain to the regulation.

(2) Traffic-control orders may be issued by the traffic engineer on his or her own authority, but when so issued shall be known as temporary traffic-control orders and shall not be effective after the expiration of 90 days from the date of filing and these temporary traffic-control orders shall not be renewed or extended, except upon approval by the ordinance making body.

(3) Permanent traffic-control orders shall be issued by the traffic engineer, approved by the ordinance making body, and filed with the clerk.

(4) Temporary orders shall become permanent orders upon being approved by the ordinance making body, and notice of the approval shall be filed with the clerk.

(5) All traffic-control orders and any actions that modify or repeal the orders shall be kept by the clerk in a separate book that shall be known as the traffic-control order book.

(6) A copy of a traffic-control order, certified by the clerk to be a true copy compared by him or her with the original in his or her office, shall be permitted into evidence in all courts and proceedings in the same manner as the original would be permitted into evidence if produced. If it appears that a traffic-control sign, signal, or device that conforms to the provisions of this code was erected or in place when the alleged violation of this code occurred, it shall be prima facie evidence of the existence of a lawful traffic-control order that authorizes the traffic control, sign, signal, or device, and it is not necessary for the prosecution to affirmatively show the existence of a valid traffic-control order in these cases, unless and until the presumption is rebutted by competent evidence.

(7) All traffic control orders issued by the traffic engineer, whether temporary or permanent, shall be in accordance with standard and accepted engineering practices as adopted in R 28.1126.

R 28.1154 Rule 154. Clerk.

The duties set forth in rules 155 to 158 of this code shall apply to the person who is elected or appointed to the office of clerk of this governmental unit.

R 28.1155 Rule 155. Clerk to issue permit for loading or unloading at an angle to the curb.

The clerk, upon receipt of a written application, shall issue, subject to the approval of the traffic engineer, permits to back a vehicle at right angles to the curb for the purpose of loading or unloading of merchandise or

material. These permits shall be subject to the terms and conditions stated thereon. These permits shall expire at the end of each calendar year, but may be reissued.

R 28.1156 Rule 156. Clerk to issue permit for curb loading zones.

The clerk, upon receipt of a written application, shall issue, subject to the approval of the traffic engineer, permits for curb loading zones. These permits shall be subject to the terms and conditions stated thereon.

R 28.1157 Rule 157. Clerks to provide traffic citation forms.

(1) Traffic citation forms in serially numbered sets that notify alleged violators to appear and answer to charges of violating traffic laws and ordinances shall be provided by the clerk in books and in a form as provided in sections 727b and 727c of the act.

(2) This rule shall not apply to municipalities in which the traffic citation forms required in subrule (1) of this rule are provided by another department, agency, or court pursuant to a local agreement.

R 28.1158 Rule 158. Issuance and record of traffic citation books.

(1) The clerk shall be responsible for the issuance of traffic citation books to the chief of police and shall maintain a record of each book.

(2) This rule shall not apply to municipalities in which the records required in subrule (1) of this rule are maintained by another department, agency, or court pursuant to a local agreement.

PART 3. OBEDIENCE TO TRAFFIC REGULATIONS

R 28.1201 Rule 201. Required obedience to traffic ordinances; parental responsibility; violation as civil infraction.

(1) It is a violation of this code for any person to do any act that is forbidden, or to fail to perform any act that is required, by the act or this code.

(2) The parent of any child and the guardian of any ward shall not authorize or knowingly permit this child or ward to violate any of the provisions of the act or this code.

(3) Unless otherwise specified, violation of any rule of this code is a civil infraction.

R 28.1202 Rule 202. Obedience to police and fire department officials; violation as misdemeanor.

(1) A person shall not willfully fail or refuse to comply with any lawful order or direction of any police officer or member of the fire department, at the scene of or in the immediate vicinity of a fire, who is vested with authority under the act or this code to direct, control, or regulate traffic.

(2) A person who violates this rule is guilty of a misdemeanor.

R 28.1202a Rescinded.

R 28.1203 Rule 203. Persons propelling push carts or riding animals subject to traffic regulations; violation as misdemeanor.

(1) Persons who propel any push cart or who ride an animal upon a roadway and persons who drive any animal-drawn vehicle are subject to the provisions of this code that are applicable to the driver of any vehicle, except for the provisions of this code that by their very nature can have no application.

(2) A person who violates this rule is guilty of a misdemeanor.

R 28.1204 Rule 204. Use of coasters, roller skates, and similar devices restricted; violation as civil infraction.

(1) A person who is riding in, or by means of, any coasters, toy vehicle, or similar device shall not go on any roadway, except while crossing a street on a crosswalk. When crossing a street on a crosswalk, the person shall be granted all of the rights, and shall be subject to all of the duties, applicable to pedestrians.

(2) A person who is on a skateboard or roller skates, including in-line skates, shall be considered a pedestrian and is subject to all of the rights and duties of a pedestrian, except as provided in subrule (3) of this rule.

(3) The traffic engineer may designate those roadways and areas where the use of skateboards, roller skates, or in-line skates are prohibited and shall designate these areas through the posting of appropriate signs.

(4) A person who violates this rule is responsible for a civil infraction.

R 28.1205 Rescinded.

R 28.1206 Rescinded.

R 28.1207 Rescinded.

R 28.1208 Rescinded.

R 28.1209 Rescinded.

R 28.1210 Rescinded.

R 28.1211 Rule 211. Code provisions; exclusive applicability to operation of vehicles on streets, except where otherwise referred to.

The provisions of this code that relate to the operation of vehicles refer exclusively to the operation of vehicles on streets or highways, except where a different place is specifically referred to in a rule of this code.

R 28.1212 Rule 212. Enforcing violation on private road.

Notwithstanding any other provision of law, a police officer may enter upon a private road to enforce violations of the act or this code.

PART 4. TRAFFIC-CONTROL DEVICES

R 28.1301 Rescinded.

R 28.1302 Rescinded.

R 28.1303 Rescinded.

R 28.1304 Rule 304. Obedience to official traffic-control devices; violation as civil infraction.

(1) The driver of any vehicle shall obey the instructions of any official traffic-control device that is placed in accordance with a traffic control order or a traffic ordinance of any governmental unit having authority over that highway, unless otherwise directed by a police officer.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1304a Rescinded.

R 28.1305 Rule 305. Provisions of code that require signs; enforceability.

Provisions of this code that require signs shall not be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign was not in proper position and was not sufficiently legible so as to be seen by an ordinarily observant person. When a particular rule does not state that signs are required, the rule shall be effective even though signs are not erected or in place.

R 28.1306 Rescinded.

R 28.1307 Rescinded.

R 28.1308 Rescinded.

R 28.1309 Rescinded.

R 28.1310 Rescinded.

R 28.1311 Rescinded.

R 28.1312 Rescinded

R 28.1313 Rule 313. Crosswalks.

The traffic engineer is hereby authorized to designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in his or her opinion, there is particular danger to pedestrians crossing the roadway and at other places as he or she may deem necessary.

R 28.1314 Rule 314. Safety zones.

The traffic engineer is hereby authorized to establish safety zones of a kind and character and at places as he or she may deem necessary for the protection of pedestrians.

R 28.1315 Rescinded.

R 28.1316 Rescinded.

R 28.1317 Rescinded.

R 28.1318 Rescinded.

R 28.1319 Rescinded.

R 28.1320 Rule 320. Bicycle paths or bicycle lanes; establishment; traffic-control devices.

(1) When the traffic engineer, after a traffic survey and engineering study, determines there is a need, he or she may establish a part of a street or highway under his or her jurisdiction as a bicycle path or lane.

(2) The bicycle path or lane shall be identified by official traffic-control devices that conform to the Michigan manual of uniform traffic-control devices.

R 28.1321 Rule 321. Bicycle paths; vehicles prohibited; snowmobiles permitted under certain conditions ; violation as misdemeanor.

(1) A person shall not operate a vehicle on or across a bicycle path, except to enter or leave adjacent property or as otherwise permitted in this rule.

(2) A person may operate a snowmobile on a bicycle path that is snow-covered and that is not snowplowed for bicycle traffic.

(3) A person shall not park a vehicle on a bicycle path.

(4) A person who violates this rule is guilty of a misdemeanor.

R 28.1322 Rule 322. Bicycle lanes; vehicles prohibited; parking permitted under certain conditions; violation as misdemeanor.

(1) A person shall not operate a vehicle on or across a bicycle lane, except to enter or leave adjacent property.

(2) A person shall not park a vehicle on a bicycle lane, except where parking is permitted by official signs.

(3) A person who violates this rule is guilty of a misdemeanor.

PART 5. RIGHTS AND DUTIES OF DRIVERS AND OTHERS

R 28.1401 Rescinded.

R 28.1402 Rescinded.

R 28.1403 Rescinded.

R 28.1404 Rescinded.

R 28.1404a Rescinded.

R 28.1405 Rescinded.

R 28.1406 Rescinded.

R 28.1407 Rescinded.

R 28.1408 Rescinded.

R 28.1409 Rescinded.

R 28.1409a Rule 409a. Driving at slow speed; violation as a civil infraction.

(1) A person shall not drive a motor vehicle at a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or to comply with law.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1410 Rescinded.

R 28.1411 Rescinded.

R 28.1412 Rule 412. Violation of signs; violation as civil infraction.

(1) It shall be prima facie unlawful to exceed the speed stated on signs erected in accordance with a traffic control order or a traffic ordinance of any governmental unit having authority over that highway.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1413 Rule 413. Manner of charging violation of speed restriction.

In every charge of violating a speed restriction , the complaint and traffic citation shall specify the speed at which the defendant is alleged to have driven and the speed applicable within the district or at the location.

R 28.1414 Rescinded.

R 28.1414a Rescinded.

R 28.1414b Rescinded.

R 28.1415 Rescinded.

R 28.1415a Rescinded.

R 28.1415b Rescinded.

R 28.1415c Rescinded.

R 28.1415d Rescinded.

R 28.1415e Rescinded.

R 28.1415f Rescinded.

R 28.1415g Rescinded.

R 28.1416b Rescinded.

R 28.1416c Rule 416c. Consumption of liquor on highways or on property open to public; violation as misdemeanor.

(1) Alcoholic liquor shall not be consumed on a highway, street, alley, or any public or private property that is open to the general public.

(2) This rule does not apply to a premises operating under a license or permit issued pursuant to 1998 PA 58, MCL 436.1101 et seq.

(3) A person who violates this rule is guilty of a misdemeanor.

R 28.1417 Rescinded.

R 28.1418 Rescinded.

R 28.1419 Rescinded.

R 28.1420 Rescinded.

R 28.1421 Rescinded.

R 28.1422 Rescinded.

R 28.1423 Rescinded.

R 28.1424 Rule 424. One-way roadways; violation as civil infraction.

(1) On a roadway or alley that is designated and signposted for 1-way traffic, a vehicle shall be driven only in the direction designated.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1425 Rescinded.

R 28.1426 Rescinded.

R 28.1427 Rescinded.

R 28.1428 Rescinded.

R 28.1428a Rescinded.

R 28.1429 Rescinded.

R 28.1430 Rescinded.

R 28.1431 Rescinded.

R 28.1432 Rescinded.

R 28.1433 Rescinded.

R 28.1434 Rule 434. Limitations on turning around; violation as civil infraction.

(1) The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction on any street in a business district and shall not, on any other street, so turn a vehicle unless the movement can be made in safety and without interfering with other traffic.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1435 Rescinded.

R 28.1436 Rescinded.

R 28.1436a Rescinded.

R 28.1437 Rule 437. Emerging from alley, driveway, or building; violation as civil infraction.

(1) The driver of a vehicle that is merging from an alley, driveway, or building shall stop the vehicle immediately before driving onto a sidewalk or onto the sidewalk area extending across any alleyway, shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and, upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1438 Rule 438. Entering intersection or crosswalk; obstructing traffic prohibited; violation as civil infraction.

(1) A driver shall not enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1439 Rescinded.

R 28.1440 Rescinded.

R 28.1440a Rescinded.

R 28.1440b Rule 440b. Obstruction of vehicular traffic by successive train movements on highways or streets; violation as misdemeanor.

(1) It is unlawful for a railroad company to permit successive train movements to obstruct any vehicular traffic on any public streets or highways until all vehicular traffic previously delayed by these train movements has been cleared or until a period of 5 minutes has elapsed between train movements.

(2) A railroad company that violates this rule is guilty of a misdemeanor.

R 28.1440c Rescinded.

R 28.1441 Rescinded.

R 28.1442 Rescinded.

R 28.1443 Rescinded.

R 28.1444 Rescinded.

R 28.1445 Rescinded.

R 28.1446 Rule 446. Drivers in a procession; violation as civil infraction.

- (1) Each driver in a funeral or other authorized procession shall drive as near the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.
- (2) A person who violates this rule is responsible for a civil infraction

R 28.1447 Rule 447. Parades and processions; permit required; violation as misdemeanor.

- (1) A procession or parade, other than a procession or parade of the forces of the United States armed services, the military forces of this state, and the forces of the police and fire departments, shall not occupy, march, or proceed along any roadway, unless pursuant to a permit issued by the chief of police and unless the procession or parade is in accordance with other regulations as are set forth in this code.
- (2) A person who violates this rule is guilty of a misdemeanor.

R 28.1448 Rule 448. Driving on sidewalk prohibited; violation as misdemeanor.

- (1) The driver of a vehicle shall not drive on or within any sidewalk area, except at a driveway.
- (2) A person who violates this rule is guilty of a misdemeanor.

R 28.1449 Rule 449. Limitations on backing; violation as civil infraction.

- (1) The driver of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic.
- (2) A vehicle shall not be backed a distance of more than 60 feet.
- (3) A vehicle shall not be backed into an intersection; except that a vehicle may be backed into an intersection when it is not otherwise possible to turn about and when the movement can be made safely without interfering with other traffic.
- (4) A person who violates this rule is responsible for a civil infraction.

R 28.1450 Rescinded.

R 28.1452 Rule 452. Driving through or over a safety zone occupied by people prohibited; violation as civil infraction.

- (1) The driver of a vehicle shall not at any time drive through or over a safety zone when the safety zone contains any person therein.
- (2) A person who violates this rule is responsible for a civil infraction.

R 28.1453 Rescinded.

R 28.1454 Rule 454. Splashing prohibited; violation as civil infraction.

- (1) A driver of a motor vehicle shall not recklessly, willfully, wantonly, or carelessly operate his or her vehicle in a manner as to splash snow, rain, water, mud, dirt, or debris on any person who is on a sidewalk, crosswalk, or safety zone.
- (2) A person who violates this rule is responsible for a civil infraction.

R 28.1455 Rule 455. Deposit of litter on streets prohibited; violation as misdemeanor.

- (1) A person shall not, without the consent of the public authority having supervision of a street, deposit, place, dump, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of, any

destructive or injurious material, any rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, or debris on any street.

(2) A person who throws or drops, or permits to be thrown or dropped, on a street any of the material or matter listed in subrule (1) of this rule shall immediately remove it or cause it to be removed.

(3) The violation of this rule is punishable as a misdemeanor.

R 28.1455a Rule 455a. Throwing objects at or into paths of vehicles prohibited; violation as misdemeanor.

(1) A person shall not knowingly cause any litter or any object to fall or to be thrown into the path of or to hit a vehicle traveling on a street.

(2) The violation of this rule is punishable by a fine of not more than \$500.00 or not more than 1 year in county jail, or both. A person who violates this rule is guilty of a misdemeanor.

R 28.1455b Rescinded.

R 28.1456 Rule 456. Removal of wrecked or damaged vehicles; violation as misdemeanor.

(1) A person who removes a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped on the street from the vehicle.

(2) The violation of this rule is punishable as a misdemeanor.

R 28.1457 Rescinded.

R 28.1458 Rule 458. Requirements when leaving motor vehicle unattended; violation as civil infraction.

(1) A person who has control or charge of a motor vehicle shall not allow the vehicle to stand unattended on any street or any other place without first stopping the engine, locking the ignition, and removing and taking possession of the ignition key. The provisions of this rule that pertain to the locking of the ignition and removing and taking possession of the ignition key do not apply to motor vehicles that are manufactured with an ignition system that does not have a key and that is incapable of being locked.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1459 Rescinded.

R 28.1460 Rescinded.

R 28.1461 Rescinded.

R 28.1462 Rescinded.

R 28.1462a Rescinded.

R 28.1463 Rescinded.

R 28.1463a Rescinded.

R 28.1464 Rescinded.

R 28.1465 Rescinded.

R 28.1466 Rescinded.

R 28.1467 Rescinded.

R 28.1468 Rescinded.

R 28.1469 Rescinded.

R 28.1470 Rescinded.

R 28.1470a Rescinded.

R 28.1471 Rescinded.

R 28.1471a Rescinded.

R 28.1472 Rescinded.

R 28.1473 Rescinded.

R 28.1473a Rescinded.

R 28.1474 Rescinded.

R 28.1476 Rescinded.

R 28.1477 Rescinded.

R 28.1478 Rescinded.

R 28.1478a Rescinded.

R 28.1479 Rescinded.

R 28.1480 Rescinded.

R 28.1480a Rescinded.

R 28.1481 Rescinded.

R 28.1485 Rescinded.

R 28.1487 Rescinded.

R 28.1487a Rescinded.

R 28.1488 Rescinded.

R 28.1489 Rescinded.

R 28.1490 Rescinded.

R 28.1490a Rule 490a. Operation of vehicle with unnecessary noise prohibited; violation as civil infraction.

(1) A person shall not operate a motor vehicle with unnecessary noise and shall not start, move, or turn a motor vehicle or apply the brakes or the power on a motor vehicle or in any manner operate the vehicle so as to cause the tires to squeal or the tires or vehicle to make any noise not usually connected with the operation of the motor vehicle, except in case of an emergency.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1491 Rescinded.

R 28.1492 Rescinded.

R 28.1493 Rule 493. Display on vehicle of official designation, sign, or insignia prohibited; violation as misdemeanor.

(1) An owner shall not display on any part of his or her vehicle, or knowingly permit the display of, any official designation, sign, or insignia of any public or quasi-public corporation; municipal, state, or national department; or government subdivision without authority of the agency.

(2) A person who violates this rule is guilty of a misdemeanor.

R 28.1494 Rescinded.

R 28.1495 Rescinded.

R 28.1496 Rescinded.

R 28.1497 Rescinded.

R 28.1498 Rule 498. Opening vehicle doors so as to impede traffic prohibited; violation as civil infraction.

(1) A person shall not open a door of a vehicle in a manner that interferes with or impedes the flow of traffic.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1498a Rescinded.

R 28.1499 Rescinded.

PART 6. OPERATION OF BICYCLES, MOTORCYCLES, MOPEDS, AND TOY VEHICLES

R 28.1601 Rescinded.

R 28.1602 Rescinded.

R 28.1603 Rule 603. Bicycles; ordinances applicable.

The provisions of this code that are applicable to bicycles shall apply when a bicycle is operated on any street or on any public path set aside for the exclusive use of bicycles, subject to those exceptions stated in this code.

R 28.1604 Rescinded.

R 28.1604a Rescinded.

R 28.1605 Rescinded.

R 28.1606 Rescinded.

R 28.1607 Rule 607. Obedience to pedestrian regulations when dismounted from a bicycle.

When authorized signs are erected that indicate that right, left, or U-turns are not permitted, a person who operates a bicycle shall obey the direction of the sign, except where the person dismounts from the bicycle to make the turn, in which event the person shall then obey the regulations applicable to pedestrians.

R 28.1608 Rescinded.

R 28.1609 Rescinded.

R 28.1610 Rescinded.

R 28.1611 Rescinded.

R 28.1612 Rescinded.

R 28.1613 Rescinded.

R 28.1614 Rescinded.

R 28.1615 Rule 615. Emerging from alley, driveway, or building; yielding right-of-way; violation as civil infraction.

(1) The operator of a bicycle who emerges from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1616 Rescinded.

R 28.1617 Rule 617. Bicycles; parking on sidewalk; violation as civil infraction.

(1) A person shall not park a bicycle on a sidewalk where bicycle parking is prohibited by official traffic-control devices. A person shall not park a bicycle on a sidewalk in a manner that would unreasonably obstruct pedestrian or other traffic.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1617a Rule 617a. Bicycles; parking on roadway; violation as civil infraction.

(1) Notwithstanding the provisions of part 8 of this code, and unless prohibited or restricted by traffic-control devices, a bicycle may be parked as follows:

(a) On the roadway at an angle to the curb or edge of the roadway at any location where the parking of vehicles is allowed.

(b) On the roadway abreast of another bicycle near the side of the roadway at any location where the parking of vehicles is allowed.

(2) In all other respects, a bicycle parked anywhere on a street shall conform with the provisions of part 8 of this code that regulates the parking of vehicles.

(3) A person who violates this rule is responsible for a civil infraction.

R 28.1618 Rule 618. Obedience to signs prohibiting riding of bicycles; violation as civil infraction.

(1) When a sign is erected on a sidewalk that prohibits the riding of bicycles thereon by any person, a person shall obey the sign.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1619 Rescinded.

R 28.1620 Rescinded.

R 28.1621 Rescinded.

R 28.1622 Rescinded.

R 28.1623 Rescinded.

R 28.1623a Rescinded.

R 28.1624 Rescinded.

R 28.1625 Rescinded.

R 28.1626 Rescinded.

R 28.1627 Rescinded.

PART 7. PEDESTRIANS' RIGHTS AND DUTIES

R 28.1701 Rule 701. Pedestrians; traffic-control signals; privileges and restricts; violation as civil infraction.

(1) Pedestrians are subject to traffic-control signals at intersections as provided in section 613 of the act and part 4 of this code. At all other places, pedestrians shall be accorded the privileges, and shall be subject to the restrictions, stated in this part.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1702 Rule 702. Pedestrians; right-of-way in crosswalk; violation as civil infraction.

(1) When traffic-control signals are not in place or are not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but a pedestrian shall not suddenly leave a curb or other place of safety and walk or run into a path of a vehicle that is so close that it is impossible for the driver to yield.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1703 Rule 703. Passing vehicle stopped at intersection to permit pedestrian to cross prohibited; violation as civil infraction.

(1) When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1703a Rescinded.

R 28.1705 Rule 705. Crossing roadway at right angles to curb required; violation as civil infraction.

(1) A pedestrian shall not, except in a marked crosswalk, cross a roadway at any other place than by a route at right angles to the curb or by the shortest route to the opposite curb.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1706 Rule 706. Pedestrians; yielding right-of-way; violation as civil infraction.

(1) Every pedestrian who crosses a roadway at any point other than within a marked crosswalk at an intersection shall yield the right-of-way to all vehicles on the roadway.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1707 Rule 707. Pedestrians; yielding right-of-way where tunnel or overhead crossing provided; violation as civil infraction.

(1) Any pedestrian who crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles on the roadway, if signs prohibiting the crossing of the roadway by pedestrians at that point are in place.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1708 Rule 708. Pedestrians; yielding right-of-way to emergency vehicles; violation as civil infraction.

(1) A pedestrian shall yield the right-of-way to an authorized emergency vehicle under the conditions prescribed in the Act.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1709 Rule 709. Pedestrians; crossing between adjacent intersections; violation as civil infraction.

(1) Where traffic-control signals are in operation, pedestrians shall not cross the roadway except in a marked crosswalk.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1710 Rule 710. Pedestrians; crossing roadway in business district; violation as civil infraction.

(1) In any business district, a pedestrian shall not cross a roadway other than in a crosswalk.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1711 Rule 711. Pedestrians; obedience to bridge and railroad barriers; violation as civil infraction.

(1) A pedestrian shall not pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1712 Rescinded.

R 28.1713 Rule 713. Pedestrians; soliciting ride, employment, or business in roadway prohibited; violation as civil infraction.

(1) A person shall not stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1714 Rule 714. Pedestrians; soliciting the watching or guarding of vehicle in street or highway prohibited; violation as civil infraction.

(1) A person shall not stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1715 Rule 715. Stopping for blind pedestrians ; violation as misdemeanor.

(1) Any driver of a vehicle who approaches within 10 feet of a person who is wholly or partially blind, who is carrying a cane or walking stick that is white or white tipped with red, or who is being led by a guide dog wearing a harness and walking on either side, or slightly in front, of the blind person shall immediately come to a full stop and shall take precautions before proceeding as may be necessary to avoid accident or injury to the wholly or partially blind person.

(2) A person who violates this rule is guilty of a misdemeanor.

R 28.1716 Rule 716. Drivers; exercising due care; violation as civil infraction.

(1) Notwithstanding the foregoing provisions of this part, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian on any roadway, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person on a roadway.

(2) A person who violates this rule is responsible for a civil infraction.

PART 8. STOPPING, STANDING, AND PARKING

R 28.1801 Rule 801. Standing or parking close to curb; violation as civil infraction.

(1) A person shall not stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as otherwise provided in this part.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1802 Rule 802. Parking on 1-way streets; violation as civil infraction.

(1) Vehicles may park with the left-hand wheels adjacent to, and within 12 inches of, the left-hand curb of properly signed 1-way streets.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1803 Rule 803. Stopping, standing, or parking on streets signed for angle parking; violation as civil infraction.

(1) On those streets that have been signed or marked for angle parking, a person shall not stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1804 Rule 804. Violating terms of permit for backing vehicle to load or unload at a curb prohibited; violation as civil infraction.

(1) It is unlawful for any permittee or any other person to violate any of the special terms or conditions of any special permit issued to permit the backing of a vehicle to the curb for the purpose of loading or unloading.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1805 Rescinded.

R 28.1806 Rule 806. Vehicle starting from parked position; violation as civil infraction.

(1) A vehicle starting from a parked position shall yield to moving vehicles the right-of-way, and the operator of the vehicle shall give a timely and visible warning signal before so starting.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1807 Rule 807. Vehicle parked at angle to curb and about to start; yielding right-of-way; backing into lane of moving traffic; violation as civil infraction.

(1) A vehicle that is parked at an angle to the curb and that is about to start shall yield to moving vehicles the right-of-way, and the operator of the vehicle shall not back the vehicle from the curb into the lane of moving traffic unless the maneuver can be made in safety and without conflict with moving vehicles.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1808 Rescinded.

R 28.1809 Rule 809. Headlights on parked vehicles; violation as civil infraction.

- (1) Any lighted headlights on a parked vehicle shall be depressed or dimmed.
- (2) A person who violates this rule is responsible for a civil infraction.

R 28.1810 Rescinded.

R 28.1811 Rescinded.

R 28.1812 Rescinded.

R 28.1813 Rule 813. Parking in alley prohibited; exception; stopping or standing in alley prohibited; exception; violation as civil infraction.

- (1) A person shall not park a vehicle in an alley, except when authorized by official signs. A person shall not stop or stand a vehicle in any alley, except while actually in the process of loading or unloading the vehicle.
- (2) A person who violates this rule is responsible for a civil infraction.

R 28.1814 Rule 814. Parking for certain purposes prohibited; violation as civil infraction.

- (1) A person shall not park a vehicle on any street for the principal purpose of doing any of the following:
 - (a) Displaying the vehicle for sale.
 - (b) Washing, polishing, greasing, or repairing the vehicle, except for repairs necessitated by an emergency.
 - (c) Displaying advertising.
 - (d) Selling merchandise from the vehicle, except in a duly established market place or when so authorized or licensed under the ordinances of this governmental unit.
 - (e) Storage for more than 48 continuous hours.
- (2) A person who violates this rule is responsible for a civil infraction.

R 28.1815 Rule 815. Standing or parking on 1-way roadways prohibited; exception; violation as civil infraction.

- (1) If a street includes 2 or more separate roadways and traffic is restricted to 1 direction on the roadway, a person shall not stand or park a vehicle on the left-hand side of the 1-way roadway, unless signs are erected to permit that standing or parking.
- (2) A person who violates this rule is responsible for a civil infraction.

R 28.1816 Rescinded.

R 28.1817 Rescinded.

R 28.1818 Rule 818. Temporary stop at freight curb loading zone permitted; violation as civil infraction.

- (1) The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, if the stopping does not interfere with any motor vehicle used for the transportation of materials, which is waiting to enter or about to enter the zone.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1819 Rule 819. Stopping, standing, or parking of buses and taxicabs restricted; exception; violation as civil infraction.

(1) The operator of a bus or taxicab shall not stop, stand, or park on any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision does not prevent the operator of the vehicle from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of, and while engaged in, the expeditious unloading or loading of passengers.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1820 Rule 820. Restricted use of bus and taxicab stands ; violation as civil infraction.

(1) A person shall not stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when the stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers, if the stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1821 Rule 821. Metered parking zones; violation as civil infraction.

(1) When a parking meter is erected adjacent to a space marked for parking, the space shall be a metered parking zone, and a person shall not stop a vehicle in this zone for a period of time longer than that designated on the parking meter after depositing a coin of United States currency of a denomination designated on the meter on the days and during the time the regulations on the meter are in force.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1822 Rule 822. Drivers to park within metered parking spaces; violation as civil infraction.

(1) Every vehicle shall be parked wholly within the metered parking space for which the meter shows a parking privilege has been granted, except that a vehicle that is too large to be parked within a single designated parking meter zone shall be permitted to occupy 2 adjoining parking meter spaces if coins are deposited in the parking meter for each space occupied, as required in this code for the parking of other vehicles in that space.

(2) A person who violates this rule is responsible for a civil infraction.

R 28.1823 Rescinded.

R 28.1823a Rescinded.

R 28.1823b Rescinded.

R 28.1824 Rescinded.

PART 9. MISCELLANEOUS

R 28.1901 Rule 901. Short title.

This code shall be known and cited as the "Uniform Traffic Code."

R 28.1902 Rule 902. Invalidity or unconstitutionality of code; severability.

If any part or parts of the Act or this code are for any reason held to be invalid or unconstitutional, the decision shall not affect the validity or constitutionality of the remaining portions of these rules. The ordinance-making body hereby declares that it would have passed this code and each part or parts thereof, irrespective of the fact that any 1 part or parts be declared invalid or unconstitutional.

R 28.1903 Rule 903. Penalties; civil infraction and misdemeanor.

(1) Civil infraction: A violation of this code or rules substantially corresponding to the Act that is designated a civil infraction is not a crime and shall not be punishable by imprisonment or a penal fine. A civil infraction shall not be considered a lesser included offense of any criminal offense.

(2) Misdemeanor: Unless another penalty is expressly provided by the ordinances of this governmental unit, every person who is convicted of a misdemeanor violation of any provision of this code shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than 90 days, or both.

R 28.1904 Rule 904. Saving clause.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this code takes effect are hereby saved, and these proceedings may be consummated under and according to the ordinance in force at the time the proceedings are or were commenced. This code shall not be construed to alter, affect, or abate any pending prosecution or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed by the ordinance adopting this uniform traffic code for offenses committed before the effective date of this code; and all prosecutions pending at the effective date of this code and all prosecutions instituted after the effective date of this code for offenses committed before the effective date of this code may be continued or instituted under and in accordance with the provisions of any ordinance in force at the time of the commission of the offense.

R 28.1905 Rule 905. Adoption of code by reference.

If the commissioner of the state police shall thereafter amend its code, any city, township, or village that has adopted the code by reference may adopt the amendment by reference by the same procedure as required for the adoption of the original code, or the amendment may be adopted by enacting an ordinance setting forth the entire text of the amendment.

PART 10. SNOWMOBILES

R 28.2001 Rescinded.

R 28.2011 Rescinded.

R 28.2012 Rescinded.

R 28.2013 Rescinded.

R 28.2014 Rescinded.

R 28.2021 Rescinded.

R 28.2022 Rescinded.

R 28.2023 Rescinded.

R 28.2031 Rescinded.

R 28.2032 Rescinded.

R 28.2033 Rescinded.

R 28.2034 Rescinded.

R 28.2035 Rescinded.

R 28.2036 Rescinded.

R 28.2037 Rescinded.

R 28.2038 Rescinded.

R 28.2039 Rescinded.

R 28.2040 Rescinded.

R 28.2041 Rescinded.

R 28.2051 Rescinded.

R 28.2060 Rescinded.

R 28.2061 Rescinded.

R 28.2071 Rescinded.

R 28.2072 Rescinded.

R 28.2073 Rescinded.

R 28.2074 Rescinded.

R 28.2075 Rescinded.

ADMINISTRATIVE RULES

ORR # 2002-011

DEPARTMENT OF CORRECTIONS

BUREAU OF CORRECTIONAL FACILITIES

GENERAL RULES

Filed with the Secretary of State on October 24, 2002.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of corrections by section 6 of 1953 PA 232, MCL 791.206)

R 791.1101, R 791.3301, R 791.3310, R 791.3320, R 791.4401, R 791.4415, R 791.5501, and R 791.6603 of the Michigan Administrative Code are amended and R 791.5505 and R 791.5510 of the Code are rescinded as follows:

PART 1. GENERAL PROVISIONS

R 791.1101 Definitions.

Rule 101. As used in these rules:

- (a) “Department” means the department of corrections.
- (b) “Director” means the director of the department.
- (c) “Facility” means a corrections center, technical rule violation center, special alternative incarceration program facility, an institution, or a part thereof that is maintained by the department.
- (d) “Institution” means a facility that is under the administrative control of the deputy director of correctional facilities administration
- (e) “Offender” means a prisoner, parolee, or probationer who is committed to the jurisdiction of the department.
- (f) “Ombudsman” or “corrections ombudsman” means the office of the legislative corrections ombudsman created by 1975 PA 46, MCL 4.351 et seq.
- (g) “Resident” means a prisoner who is committed to the jurisdiction of the department.

PART 3. PRISONER HEARING PROCEDURES

R 791.3301 Hearing officers; designation; powers.

Rule 301. (1) All full-time hearing officers shall be employees of the department’s hearings division. The department may assign other employees to act as hearing officers to conduct administrative hearings regarding prisoners, except that the hearings division shall be responsible for all administrative hearings on the following matters:

- (a) An infraction of department rules which may result in placement in punitive segregation the loss of good time or disciplinary credits, or the addition of disciplinary time.
- (b) A security classification which may result in the placement of a prisoner in segregation.
- (c) A special designation which permanently excludes a prisoner from placement on community status.
- (d) Visitor restrictions.
- (e) High or very high assaultive and high property risk classifications.
- (2) A hearing officer shall comply with all of the following provisions:
 - (a) Have no prior direct involvement in the matter which is at issue in a hearing.
 - (b) Verify that all parties are notified of the date and place of a hearing.
 - (c) Regulate the course of a hearing and the conduct of all those present at a hearing.
 - (d) Ensure that an adequate record or summary is made of the proceeding.
 - (e) Render a written decision or recommendation.
 - (f) Impose disciplinary sanctions pursuant to R 791.5501 if the prisoner is found guilty of major or minor misconduct.

R 791.3310 Fact-finding hearing; notice; report; waiver.

- Rule 310. (1) A prisoner shall receive sufficient written notice of the purpose of a fact-finding hearing sufficiently prior to the hearing to allow preparation of a response. A copy of any disciplinary report or other information regarding circumstances giving rise to the hearing shall accompany the notice.
- (2) A prisoner shall be afforded both of the following at a fact-finding hearing:
- (a) To be present and speak on his or her own behalf.
 - (b) To receive a copy of any department document specifically relevant to the issue before the hearing officer, unless disclosure of the document would be a threat to the order and security of the facility or the safety of an individual.
- (3) The hearing officer shall make a summary report of the hearing and decision or recommendation.
- (4) A prisoner may waive a fact-finding hearing. Waivers for minor misconduct–hearings are subject to R 791.5501.

R 791.3320 Appeals; notice; sanctions stayed; basis of review; permissible dispositions on appeal; finality.

- Rule 320. (1) A prisoner may appeal a determination made at a hearing conducted pursuant to R 791.3310 for minor misconduct as set forth in department policies and procedures. Oral notice of intent to appeal shall be given by the prisoner at the conclusion of the hearing and shall be followed by a written basis for the appeal within 24 hours after receipt of the written decision. Sanctions ordered by the hearing officer may be held in abeyance until the appeal is resolved.
- (2) Within 30 calendar days after receipt of the determination, the prisoner or warden may appeal, to the hearings administrator, the determination made at a hearing conducted pursuant to R 791.3315. The hearings administrator may order a rehearing on his or her own motion at any time.
- (3) A prisoner may appeal a determination made in any other administrative hearing by filing a grievance.
- (4) Appeals shall be reviewed on the basis of the written summary or record of the hearing, any documentary evidence presented at the hearing, and the written reason for appeal. The reviewing official may affirm or reverse a finding of guilt or may vacate the finding and remand for a new hearing.

PART 4. PRISONER CLASSIFICATION AND TRANSFER

R 791.4401 Security classification; criteria; security classification committee; levels of custody; additional criteria for certain classifications; grievance.

Rule 401. (1) A prisoner's security classification is a determination, based on the experience of correctional administrators, as to the level of confinement required for public safety and the safety and security of the facility. It is not a punitive or disciplinary sanction. All of the following factors may be considered in determining classification:

- (a) The prisoner's need for protection.
 - (b) The safety of others.
 - (c) The protection of the general public.
 - (d) Prevention of escape.
 - (e) Maintenance of control and order.
 - (f) Medical and mental health care needs of the prisoner.
- (2) After examination of all relevant information, a prisoner shall be assigned to 1 of the following, that is the least restrictive level of custody consistent with the requirements of subrule (1) of this rule:
- (a) Segregation.
 - (b) Level VI.
 - (c) Level V.
 - (d) Level IV.
 - (e) Level III.
 - (f) Level II.
 - (g) Level I.
 - (h) Community status.
- (3) Security classifications to all levels, except level VI and community status, shall be determined at each institution by a committee which is appointed by the warden and which is under the direction of the deputy director for correctional facilities. The deputy director of correctional facilities administration shall determine all placements at level VI. Placement on community status requires the concurrence of the administrator of the office of field programs and is subject to R 791.4410 and R 791.4425.
- (4) A prisoner who objects to a reclassification decision may file a grievance.

R 791.4415 Extensions of limits of prisoner's confinement purposes; criteria; time limits; costs.

Rule 415. (1) A prisoner who is housed in an institution may be allowed outside the confines of that institution to obtain medical services that are not otherwise available, with the approval of the warden or designee.

(2) A prisoner who is housed in an institution also may be allowed outside the confines of that institution for the following reasons and only with the prior approval of the warden or designee:

- (a) To visit an immediate family member, as defined in department policy, who is critically ill.
- (b) To attend the family visitation or private funeral of an immediate family member, as defined in department policy.

(3) Only prisoners who have a true security level of I, II, or III are eligible for funeral and sick bed visits. A prisoner serving a life sentence is eligible only if a commutation has been granted by the governor or a parole release date has been established by the parole board and if the prisoner has served not less than 15 calendar years with good institutional adjustment.

(4) A prisoner shall not be approved for funeral and sick bed visits that exceed a cumulative total of 30 days during the prisoner's current incarceration. Each funeral or sick bed visit shall be considered to be 1 day, regardless of the actual length of time. A funeral or sick bed visit, including travel, shall not be approved for more than 12 hours in duration, except that the deputy director for correctional facilities may approve a visit up

to 24 hours in duration for a prisoner required to travel more than 500 miles round trip. Funeral and sick bed visits outside the state of Michigan shall not be approved.

(5) A prisoner approved for a funeral or sick bed visit shall remain in the custody of correctional officers at all times to, from, and during the visit. Costs incurred for the visit, including all custodial costs, shall be borne by the prisoner or the prisoner's family.

PART 5. PRISONER MISCONDUCT

R 791.5501 Major misconduct; minor misconduct; hearing; confiscation and disposition of contraband.

Rule 501. (1) An alleged violation of department rules shall be classified as major misconduct or minor misconduct on the basis of the seriousness of the act and the disciplinary sanctions allowed. The director shall determine what constitutes major and minor misconduct, the time limits for conducting hearings, and the range of disciplinary sanctions which may be imposed upon a finding of guilt.

(2) A prisoner charged with major misconduct shall be provided a formal hearing conducted in accordance with R 791.3315. A prisoner charged with minor misconduct shall be provided a fact-finding hearing conducted in accordance with R 791.3310. Upon a finding of guilt of major or minor misconduct, the prisoner shall be subject to the disciplinary sanctions ordered by the hearing officer.

(3) A prisoner may plead guilty to a minor misconduct and waive a hearing by signing a written waiver. If the waiver is accepted, disciplinary sanctions may be imposed by the department official accepting the waiver.

(4) In addition to the disciplinary sanctions imposed by the hearing officer, a prisoner who is found guilty of a major misconduct shall be subject to both of the following provisions:

(a) A prisoner who is subject to good time or disciplinary credits will not earn good time or disciplinary credits during the month in which the major misconduct violation occurred. The warden also may forfeit previously earned good time and disciplinary credits pursuant to R 791.5513, and not grant special good time and special disciplinary credits.

(b) A prisoner who is subject to disciplinary time will accumulate disciplinary time for the major misconduct pursuant to R 791.5515.

(5) Property determined to be contraband at a misconduct hearing or based on a waiver accepted pursuant to this rule shall be confiscated and disposed of in accordance with department policy as directed by the hearing officer or department official who accepted the waiver.

R 791.5505 Rescinded.

R 791.5510 Rescinded.

PART 6. PRISONER RIGHTS AND PRIVILEGES

R 791.6603 Incoming and outgoing mail requirements; inspection; limitations; legal correspondence; notice of rejection; appeals.

Rule 603. (1) A prisoner who is in general population status shall be permitted to send sealed letters to any person or organization, subject to the limitations of this rule. However, all outgoing mail shall contain a return address, including the prisoner's first and last name and identification number and the facility's name and address. Any outgoing mail that does not contain at least the prisoner's name and identification number may be

destroyed. Outgoing mail of a prisoner who is in segregation status shall be subject to inspection, except for correspondence to any of the following:

- (a) Attorneys.
- (b) Courts.
- (c) Public officials.
- (d) The department's central office staff.
- (e) The office of the legislative corrections ombudsman.
- (f) Representatives of the news media.

(2) A prisoner determined to be indigent by department policy shall be loaned a reasonable amount of postage each month, not to exceed the equivalent of 10 first-class mail stamps for letters within the United States of 1 ounce or less. Additional postage shall be loaned to prisoners as necessary to post mail to courts, attorneys, and parties to a lawsuit that is required for pending litigation. The department shall provide air, certified, oversize, foreign, and overweight mail service for use at the prisoner's individual expense only, except that the cost of certified mail will be loaned to a prisoner if the department is required to do so by a court order.

(3) Subject to the limitations of this rule, a prisoner may receive printed, typed, or handwritten items that are transmitted through the United States postal service, interdepartmental mail, or a commercial delivery service. Books, magazines, and other publications shall be permitted only if sent directly to the prisoner from internet book vendors authorized by the department or from the publisher, or if ordered by the prisoner through the facility and sent directly to the prisoner from a vendor authorized by the department. Catalogs, except as specifically authorized by department policy, and used publications are prohibited.

(4) All incoming mail shall be opened and inspected for contraband before delivery to the addressee. Contraband is defined as any property that a prisoner is not specifically authorized to possess by department policy. All incoming mail from another prisoner may be read.

(5) A prisoner shall not be allowed to send or receive any item of mail that is or does any of the following:

- (a) Contravenes federal or state law.
- (b) Violates postal regulations.
- (c) Contains a criminal plan or conspiracy.
- (d) Is threatening.
- (e) Is addressed to any party who expressly objects to receiving mail from a prisoner if the item is sent after the prisoner has been notified of the objection.
- (f) Is a threat to the order and security of the facility or the rehabilitation of a prisoner.
- (g) Is for the purpose of operating a business enterprise.

(6) A prisoner may send mail to, and receive mail from, another prisoner only as set forth in department policy.

(7) The department may intercept, open, inspect, read, and refuse to transmit mail when there are reasonable grounds to believe the mail is being sent contrary to the provisions of this rule. This subrule shall not apply to clearly identified correspondence to any of the following entities, unless a specific written request is made by the entity:

- (a) Courts.
- (b) Attorneys.
- (c) Public officials.
- (d) The office of the legislative corrections ombudsman.
- (e) The department's central office staff.
- (f) Staff of the institution in which the prisoner is incarcerated.

(8) When the department rejects mail pursuant to this rule, it shall send written notification of the rejection to the sender if the sender's address is included on the mail. The sender may appeal the rejection to the warden.

(9) A prisoner who is not allowed to send or receive an item of mail pursuant to this rule may appeal the determination by filing a grievance.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

ORR # 2000-059

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

HOSPICE AND HOSPICE RESIDENCES

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the department of consumer and industry services by Section 21419 of 1978 PA 368 and Executive Orders Nos. 1996-1 and 1996-2, MCL 333.21419, 330.3101, and 445.2001)

R 325.13101, R 325.13102, R 325.13104, R 325.13105 to R 325.13111, R 325.13201, R 325.13202, R 325.13205 to R 325.13208, R 325.13211, R 325.13212, R 325.13213, and R 325.13301 to R 325.13307 of the Michigan Administrative Code are amended, R 325.13501 to R 325.13543 are added to the Code, and R 325.13401 to R 325.13418 of the Code are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 325.13101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Applicant" means a person applying to the department for a hospice license.
- (b) "Bereavement services" means those services provided to the family to assist them in coping with the death of the patient.
- (c) "Change of ownership," for purposes of section 20142(3) of the code, means a transfer of the property of a hospice from one owner to another, where the new owner will use the transferred property as a hospice operated by the new owner subsequent to the transfer.
- (d) "Code" means 1978 PA 368, ~~Act No. 368 of the Public Acts of 1978, as amended, being~~ MCL 333.1101 et seq. ~~of the Michigan Compiled Laws.~~
- (e) "Department" means the ~~state department of public health~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.
- (f) "Distinct hospice administration" means an identifiable administrative group which has a distinct organizational structure and which is accountable to a governing body, either directly or through the governing body's chief executive officer, for all aspects of the hospice.
- (g) "Governing body" means any of the following:
 - (i) The policy-making body of a hospice, which is a government agency.
 - (ii) The board of directors or trustees of a hospice which is a not-for-profit corporation.
 - (iii) The board of directors of a hospice which is a business corporation.
 - (iv) The proprietor or owners of a hospice which is a solely owned business or partnership.

(h) "Hospice" means a program which provides palliative and supportive services to meet physical, psychological, social, and spiritual needs of patients and their families in the home, health care facilities, or other residential settings.

(i) "Hospice administrator" means a person who is responsible to the governing body, either directly or through the governing body's chief executive officer, for the administrative operation of a hospice.

(j) "Hospice patient" or "patient" means an individual in the terminal stage of illness who has an anticipated life expectancy of 6 months or less and who, alone or in conjunction with a family member or members, has voluntarily requested admission and been accepted into a hospice.

(k) "Hospice patient's family" means the hospice patient's immediate relations, including a spouse, brother, sister, child, or parent. In addition, other relations and individuals with significant personal ties to the hospice patient may be designated as members of the hospice patient's family by mutual agreement between the hospice patient, the relation or individual, and the hospice organization. The patient-family unit shall be considered the unit of care throughout these rules.

(l) "Hospice patient-family record" means written medical and health information pertaining to services rendered the patient-family unit by a hospice.

(m) "HOSPICE RESIDENCE" MEANS A HOSPICE RESIDENCE AS DEFINED BY SECTION 21401(1)(B) OF THE CODE.

~~(n)~~(n) "Hospice staff" means the individuals who work, with or without remuneration, for the hospice.

~~(o)~~(o) "Interdisciplinary care team" means a group composed of qualified individuals who collectively have expertise in assessing the special needs of the hospice patient-family unit.

~~(p)~~(p) "Licensee" means a program OR RESIDENCE THAT POSSESSES a currently valid hospice license.

~~(q)~~(q) "Ownership interest" means the ownership or control of 5% or more of the equity in the capital or stock, or interest in the profits, of a hospice.

~~(r)~~(r) "Physician" means a physician licensed under part 170 or 175 of the code.

~~(s)~~(s) "Sale of a hospice" means a change in ownership by sale.

(2) THE DEFINITIONS AND PRINCIPLES OF CONSTRUCTION IN ARTICLES 1 AND 17 AND PART 214 OF 1978 PA 368, MCL 333.1101 ET SEQ., 333.20101 ET SEQ., AND 333.21401 ET SEQ. APPLY TO THESE RULES.

R 325.13102 State, federal, and local laws, rules, codes, and ordinances; compliance.

Rule 102. ~~(4)~~ A hospice OR HOSPICE RESIDENCE which is licensed or certified shall comply with applicable state and federal laws and rules and shall furnish evidence as the department may require to show compliance with ~~such~~ THE laws and rules and applicable local rules, codes, and ordinances.

~~(2) The issuance of a license or certification is not a determination of the need for a hospice or of compliance with part 221 of the code.~~

R 325.13104 Patient-family unit; rights and responsibilities policy; adoption of written procedure required.

Rule 104. (1) A hospice OR HOSPICE RESIDENCE shall adopt written policies and procedures to implement the rights and responsibilities of the patient-family unit as provided by section 20201(1) and (2) of the code. Before and following the patient-family unit's admission, ~~such~~ THE policy and procedures shall be available upon request.

(2) The procedures shall include a mechanism for the initiation, investigation, and resolution of complaints, subject to department approval, and, at a minimum, all of the following:

- (a) A statement that a patient-family unit may complain ~~either~~ to the hospice, HOSPICE RESIDENCE, or the department about any condition, event, or procedure in the hospice OR HOSPICE RESIDENCE without citing a specific violation of the code or these rules.
 - (b) A procedure for submitting written complaints to the hospice, OR HOSPICE RESIDENCE, including a procedure to assist a complainant in reducing an oral complaint to writing, when ~~such~~ THE oral complaint is not resolved to the satisfaction of the complainant.
 - (c) The name, title, location, and telephone number of the individual in the hospice OR HOSPICE RESIDENCE who is responsible for receiving complaints and conducting complaint investigations and a procedure for communicating with that individual.
 - (d) A requirement that all complaints be investigated within 5 working days following receipt of a complaint by the hospice OR HOSPICE RESIDENCE, and a requirement that, within 15 working days following receipt of the complaint, the hospice OR HOSPICE RESIDENCE shall deliver to the complainant a written report of the results of the investigation.
 - (e) A mechanism for appealing the matter to the administrator of the hospice OR HOSPICE RESIDENCE if the complainant is not satisfied with the investigation or resolution of the complaint.
- (3) A hospice OR HOSPICE RESIDENCE shall maintain written complaints filed under its complaint procedure and all complaint investigation reports delivered to each complainant for 3 years. ~~Such~~ THE records shall be available to the department upon request.

R 325.13105 Complaints to the department.

- Rule 105. (1) When a person files a written complaint against, and requests investigation of, a hospice OR HOSPICE RESIDENCE pursuant to section 20176 of the code, ~~such~~ THE complaint, if alleging a nonrecurring violation, shall be made within 12 months of the discovery of the violation or, if the complaint has been initially filed with the hospice OR HOSPICE RESIDENCE, within 12 months following a final determination in the matter by the hospice OR HOSPICE RESIDENCE. ~~Such~~ A complaint, if alleging a recurring violation, shall be made within 12 months of the last alleged occurrence cited in the complaint or within 12 months following a final determination in the matter by the hospice OR HOSPICE RESIDENCE.
- (2) If a complaint is not filed within the 12-month period specified in subrule (1) of this rule, the department may consider the complaint based upon information supplied by the complainant as to the reasons for the failure to file within the 12-month period.
- (3) Complaints shall be in writing, shall be signed by the complainant, and shall indicate the name and address of the hospice OR HOSPICE RESIDENCE, the nature of the complaint, and the complainant's name, address, and telephone number. If a complaint is oral, the department shall have the option of determining what, if any, action it will take in investigating the complaint.
- (4) Anonymous complaints shall be received and evaluated. Investigation of anonymous complaints is discretionary with the department.
- (5) A complainant who is dissatisfied with the written determination or investigation by the department may appeal ~~to the advisory commission~~ as provided by section 20176(2) of the code.

R 325.13106 Governing body; duties and responsibilities.

- Rule 106. (1) A hospice OR HOSPICE RESIDENCE shall have a clearly defined, organized governing body which shall assume full legal responsibility for the overall conduct and operation of the hospice OR HOSPICE RESIDENCE, including quality of care and services.
- (2) The governing body shall be responsible for the establishment of policies and procedures for the management, operation, and evaluation of the hospice OR HOSPICE RESIDENCE.

- (3) The governing body shall meet at sufficient intervals to carry out its legal obligations and shall keep a written record of its actions.
- (4) The governing body shall not enter into any agreement limiting its responsibility.
- (5) The governing body shall appoint a hospice OR HOSPICE RESIDENCE administrator and shall delegate to the administrator the authority for operating the hospice in accordance with policies established by the governing body.
- (6) The governing body shall provide for medical direction of the hospice OR HOSPICE RESIDENCE through a physician or group of physicians who are currently licensed under part 170 or 175 of the code to practice in the state of Michigan.
- (7) If the hospice organization OR HOSPICE RESIDENCE discontinues operation of the hospice for any reason, the governing body shall comply with the appropriate provisions set forth in R 325.13109(1)(t)(vi).

R 325.13107 Hospice administrators; duties.

Rule 107. (1) The hospice OR HOSPICE RESIDENCE administrator shall direct the hospice OR HOSPICE RESIDENCE and ensure implementation of policies and procedures regarding all activities and patient-family unit care services provided in the hospice OR HOSPICE RESIDENCE, whether provided through staff employed directly by the hospice OR HOSPICE RESIDENCE, by volunteers, or through contract arrangement.

- (2) The hospice OR HOSPICE RESIDENCE administrator shall designate, in writing, an alternate to act in his or her absence.
- (3) The hospice OR HOSPICE RESIDENCE administrator shall implement administrative policies and procedures which include personnel policies and which are applicable to all hospice OR HOSPICE RESIDENCE staff.
- (4) The hospice OR HOSPICE RESIDENCE administrator shall implement financial policies and procedures, approved by the governing body, according to sound business practice, including, but not limited to, all of the following:
 - (a) Payroll.
 - (b) Budget.
 - (c) Accepting and accounting for gifts and donations.
 - (d) Keeping and submitting such reports and records as required by the department and other authorized agencies.

R 325.13108 Services generally.

Rule 108. As the needs of the hospice OR HOSPICE RESIDENCE and its patient-family units dictate, the services of qualified personnel, who need not be salaried employees, shall be made available in all of the following disciplines:

- (a) Medical care.
- (b) Nursing care.
- (c) Social work.
- (d) Spiritual care.

R 325.13109 Development of policies and procedures for home or inpatient care and services program PROVIDED BY A HOSPICE OR HOSPICE RESIDENCE.

Rule 109. (1) Written policies and procedures shall be developed to coordinate a program for home or inpatient care and services PROVIDED BY A HOSPICE OR HOSPICE RESIDENCE. The written policies and procedures shall include all of the following:

- (a) Philosophy and objectives.
- (b) Patient-family unit rights and responsibilities.
- (c) Medical direction.
- (d) Admissions, transfers, and discharges of the patient-family unit.
- (e) Types of services provided and the coordination of those services, including inpatient care and follow-up.
- (f) Quality assurance programs.
- (g) Determining the number and types of staff and volunteers needed.
- (h) Position descriptions for each category of employed, volunteer, or contracted personnel.
- (i) Orientation and staff development to all personnel, including volunteers.
- (j) Functions of interdisciplinary care team.
- (k) Medical services.
- (l) Nursing services.
- (m) Nutrition services.
- (n) Pharmaceutical services.
- (o) Bereavement services.
- (p) Social work services.
- (q) Volunteer services.
- (r) Informed consent.
- (s) Availability of a staff member, 24 hours a day, 7 days a week, to a patient-family unit.
- (t) A hospice patient-family unit record relating to all of the following:
 - (i) Documentation by staff of services rendered to patient-family units.
 - (ii) Confidentiality of medical information.
 - (iii) Release of information or the provision of copies of the information to patient-family units or authorized persons upon written consent of the patient or guardian.
 - (iv) Transfer of medical information to another hospice program or inpatient unit.
 - (v) Records retention for a period of not less than 5 years following death or discharge or, in the case of a minor, 3 years after the individual comes of age under state law, whichever is longer.
 - (vi) Notification to the department regarding storage of records if the hospice ceases to operate.
- (2) All policies and procedures shall be reviewed and shall be revised, if necessary, annually.
- (3) All policies and procedures shall be immediately available for on-site inspection by the department.

R 325.13110 Patient rights and responsibilities policy; transmittal of information to patient-family unit; provision of hospice OR HOSPICE RESIDENCE rules and regulations to patient-family unit required.

Rule 110. (1) A hospice OR HOSPICE RESIDENCE shall develop, adopt, post in a public place, distribute, and implement a policy on the rights and responsibilities of hospice patient-family units in accordance with the requirements of sections 20201, 20202, and 20203 of the code.

(2) A hospice OR HOSPICE RESIDENCE shall assure that information transmitted to a patient-family unit will be communicated in a manner that will reasonably ensure that the information is understood by the patient-family unit.

(3) The hospice OR HOSPICE RESIDENCE shall assure that a patient-family unit is provided with information about the hospice rules and regulations affecting patient care and conduct. The hospice OR HOSPICE

RESIDENCE shall provide a written copy of the hospice OR HOSPICE RESIDENCE rules and regulations to the patient-family unit upon request or admission and when the rules and regulations are changed.

R 325.13111 Quality assurance program.

Rule 111. (1) The hospice OR HOSPICE RESIDENCE shall develop and implement, through an interdisciplinary committee, an ongoing quality assurance program which will monitor activities and identify problems.

(2) The committee shall adopt or develop professional standards which, at a minimum, shall address all of the following:

- (a) Interdisciplinary team services.
- (b) Patient and family as the unit of care.
- (c) Symptom control.
- (d) Continuity of care.
- (e) Home care services.
- (f) Inpatient services.

(3) The committee shall do all of the following:

- (a) Collect and analyze data.
- (b) Recommend change when necessary.
- (c) Recommend reevaluation when necessary.

PART 2. LICENSURE

R 325.13201 Establishing, maintaining, or operating hospice OR HOSPICE RESIDENCE without license prohibited.

Rule 201. A person shall not establish, maintain, or operate a hospice OR HOSPICE RESIDENCE unless licensed by the department in accordance with section 21411 of the code and these rules.

R 325.13202 Time of application.

Rule 202. An application for initial licensure shall be made to the department not less than 90 days in advance of the hospice's OR HOSPICE RESIDENCE=S anticipated opening date. An application for renewed licensure shall be submitted to the department not less than 90 days before the expiration of the current license.

R 325.13205 Surveys and investigations.

Rule 205. (1) The department shall conduct a survey and investigation of a hospice for initial licensure within the 3-month period following receipt of the application ~~or, in the case of renewals, within the 3-month period before the expiration date of a license.~~ A An initial HOSPICE license shall only be issued ~~or renewed~~ if the department, after completing such a survey and investigation, finds the hospice to be in substantial compliance with the requirements of the code and these rules. AN INTITIAL HOSPICE RESIDENCE LICENSE MAY BE ISSUED SUBJECT TO A SURVEY AND INVESTIGATION FOLLOWING ITS OPENING.

(2) The department may make additional visits, inspections, and investigations for the purpose of survey, evaluation, consultation, complaint investigation, or enforcement of these rules and the code.

(3) Surveys and investigations by the department pursuant to this part may include all of the following:

- (a) Inspections of applicable programs and their operation.

- (b) Inspection and copying of books, records, patient-family unit medical records, and other documents maintained by the hospice OR HOSPICE RESIDENCE.
- (c) The acquisition of other information from any other person who may have information bearing on the applicant's or licensee's compliance or ability to comply with the applicable requirements for licensure.
- (4) When making a survey or investigation, the department representative or representatives shall, upon request, present proper identification. For this purpose, "proper identification" means a card issued by the department certifying that the holder is an employee of the department.

R 325.13206 Disclosure of ownership interests.

Rule 206. (1) An applicant or licensee shall include all of the following information with its application for an initial or renewed license:

- (a) The name, address, principal occupation, and official position of all persons who have an ownership interest in the hospice OR HOSPICE RESIDENCE.
- (b) The name, address, principal occupation, and official position of each trustee for a voluntary nonprofit corporation.
- (c) If a hospice is located on or in leased real estate, the name of the lessor and any direct or indirect interest of the applicant or licensee.
- (2) The department may accept ownership interest reports filed with the securities and exchange commission in place of the information required in subrule (1) of this rule, if the department determines that the reports contain the information required.

R 325.13207 Administrator; responsibilities as hospice OR HOSPICE RESIDENCE agent.

Rule 207. An application for an initial or renewed license or certification shall be signed by the owner or hospice OR HOSPICE RESIDENCE administrator. The hospice administrator shall act as agent for the owner or owners with respect to doing any of the following:

- (a) Submitting the application and making amendments thereto.
- (b) Providing the department with all information necessary for a determination with respect to the application.
- (c) Entering into agreements with the department in connection with licensure or certification.
- (d) Receiving notice and service of process on behalf of the applicant in matters relating to licensure or certification.

R 325.13208 Action on applications for licensure.

Rule 208. (1) With respect to any application for licensure, on the basis of the information supplied by the applicant or any other information available to it, including hospice OR HOSPICE RESIDENCE surveys and investigations, the department shall take 1 of the following actions:

- (a) Issue ~~or renew~~ the license.
- (b) Issue a temporary unrenovable permit.
- (c) Deny an initial or renewed license.
- (d) Take other action consistent with the purposes of the code.
- (2) Action by the department pursuant to subrule (1)(b) or (c) of this rule shall be preceded by a notice of intent and an opportunity for a hearing ~~in accordance with part 4 of these rules~~. In all other cases, the determination of the department is final.

R 325.13209 ~~Term of license or certification.~~ Rescinded.

~~Rule 209. A license or certificate shall expire on the date shown on its face or 1 year after the date of issuance, whichever is sooner, unless renewed or terminated in accordance with the code or these rules.~~

R 325.13211 Notice to department of change in information required; transfer of license; posting.

Rule 211. (1) An applicant or licensee shall give written notice to the department within 5 business days of any change in information submitted as part of an application for initial or renewed licensure.

(2) A license is not transferable.

(3) The current license shall be posted in a conspicuous public place in the hospice OR HOSPICE RESIDENCE office. For purposes of this rule, the term "license" ~~means~~ INCLUDES a limited license or a temporary permit.

R 325.13212 Prohibited terms.

Rule 212. In addition to the terms limited by the code, the use of the words "state approved" or words having a similar meaning is prohibited unless the hospice OR HOSPICE RESIDENCE is operated under a current license.

R 325.13213 Public inspection of license records.

Rule 213. (1) Unless otherwise provided by law, records pertaining to licensure and certification are available for public inspection and copying during business hours on the days when ~~the bureau of health facilities in the~~ department is open for business.

(2) The department shall delete from licensing and certification records made available for inspection any matters or items of information exempt from disclosure under law. Fees related to requests for inspection or copies of licensing and certification records shall be assessed in accordance with applicable law and department procedure.

(3) Arrangements for the inspection or copying of licensing and certification records shall be made with the ~~bureau of health facilities in the~~ department.

PART 3. SERVICES

R 325.13301 Contractual services.

Rule 301. (1) ~~The~~ A hospice OR HOSPICE RESIDENCE may contract with other health care providers or appropriate parties for the provision of care and services when the hospice OR HOSPICE RESIDENCE does not have sufficient qualified staff or available adequate equipment to render such services directly. Contracts for shared services shall be written and shall clearly delineate the authority and responsibility of the contracting parties. Contracts with providers shall maintain the hospice's responsibility OF THE HOSPICE OR HOSPICE RESIDENCE for coordinating and administering the hospice OR HOSPICE RESIDENCE program.

(2) The hospice OR HOSPICE RESIDENCE administrator shall maintain responsibility for coordinating and administering the hospice OR HOSPICE RESIDENCE program.

(3) Any and all personnel provided to the hospice OR HOSPICE RESIDENCE under the terms of contracted services shall be licensed or credentialed as required by law.

(4) All contracts shall include financial arrangements and charges, including donated services.

(5) All contracts shall state the availability of service.

- (6) A contracted service shall not absolve the hospice from responsibility for the quality, availability, documentation, or overall coordination of patient-family unit care or responsibility for compliance with any federal, state, or local law or rules and regulations pursuant thereto.
- (7) All contracts shall be reviewed annually and revised if necessary.
- (8) All contracts shall be signed and dated by the administrator and the duly authorized official of the agency providing the contractual service.
- (9) All contracts shall state that the contractor will provide services to the patient in accordance with the patient care plan developed by the hospice.
- (10) Employees of an agency providing a contractual service shall not seek or accept reimbursement in addition to that due the agency for the actual service delivered.
- (11) All contracts shall prohibit the sharing of fees between a referring agency or individual and the hospice OR HOSPICE RESIDENCE.

R 325.13302 Medical services.

- Rule 302. (1) At the time of admission to the hospice program OR HOSPICE RESIDENCE and thereafter, a patient shall be under the care of a physician who shall be responsible for providing or arranging for medical care. This physician may be the attending physician.
- (2) The physician providing the medical care to a patient shall be responsible for the direction and quality of medical care rendered to that patient.
 - (3) The physician shall review the patient's medical history and physical assessment within 48 hours before or following the patient's admission to the program.
 - (4) The physician shall do both of the following:
 - (a) Validate the prognosis and life expectancy of the patient.
 - (b) Assist in developing the care plan of the patient.
 - (5) Medical care shall emphasize prevention and control of pain and other distressing symptoms.
 - (6) Physician-patient/family encounters shall be at least as frequent as described in the written plan of care.
 - (7) All physician orders and the services rendered shall be entered in the patient and family record.
 - (8) The hospice program OR HOSPICE RESIDENCE shall arrange with a physician or group of physicians to provide the development and coordination of the medical care to ensure the adequacy and appropriateness of the medical services.
 - (9) The hospice program OR HOSPICE RESIDENCE shall arrange for the availability of medical services 24 hours a day, 7 days a week.

R 325.13303 Physicians' assistants services.

- Rule 303. (1) A physician's assistant working under the supervision of a licensed approved physician, as set forth in part 170 or 175 of the code, may carry out appropriate delegated functions in a hospice program OR HOSPICE RESIDENCE in accordance with written policies of the hospice OR HOSPICE RESIDENCE which are formally adopted by the governing body, owner, or operator.
- (2) The written policies governing the functioning of the physician's assistant within the hospice OR HOSPICE RESIDENCE shall be consistent with law and rules applicable to the hospice OR HOSPICE RESIDENCE, the physician's assistant, and the supervising physician.
 - (3) The physician's assistant shall not substitute for the licensed physician insofar as the overall responsibility for a patient's care is concerned.
 - (4) The attending physician supervising a physician's assistant shall do all of the following:
 - (a) Visit the patient at intervals prescribed in R 325.13302(6).

- (b) Check, renew, or amend physician assistant's orders at prescribed intervals.
- (c) Review and participate in the development of patient care plans following admission and at prescribed intervals.
- (d) Review, approve, and countersign all physician assistant entries in the patient-family unit record. Orders written by the physician's assistant shall be countersigned by the attending supervising physician within 48 hours.

R 325.13304 Nursing services.

Rule 304. (1) Nursing services IN A HOSPICE PROGRAM OR HOSPICE RESIDENCE shall be available directly or by written agreement 7 days a week, 24 hours per day and shall be under the supervision of a director of nursing who is registered and licensed in the state of Michigan.

(2) Written policies and procedures for nursing services shall be developed by the director of nursing and implemented incorporating objectives and maintaining standards of nursing practice.

(3) The development of a comprehensive patient care plan for each hospice OR HOSPICE RESIDENCE patient-family unit shall commence within 24 hours of admission.

(4) The patient care plan shall be established by the hospice OR HOSPICE RESIDENCE designated interdisciplinary care team composed of, at a minimum, all of the following:

- (a) Physician.
- (b) Registered nurse.
- (c) Social worker.
- (d) A spiritual advisor, if selected by the patient-family unit.

(5) A staff member, as designated in the patient care plan, shall be responsible for the coordination, implementation, and ongoing review of each plan. The plan shall be recorded in ink and shall be maintained as part of the patient-family unit record.

(6) The patient care plan shall give direction to the care given in meeting the physiological, psychological, sociological, and spiritual needs of the patient-family unit. The plan shall specifically address maintenance of patient independence and pain control.

(7) Resource materials relating to the administration and untoward effects of medications and treatments used in pain and symptom control shall be readily available to hospice OR HOSPICE RESIDENCE personnel.

R 325.13305 Bereavement and spiritual services.

Rule 305. (1) The hospice OR HOSPICE RESIDENCE shall provide, either directly or by arrangement, bereavement and spiritual services to the patient and family before and following the patient's death.

(2) Bereavement and spiritual services shall be available, if needed, 7 days a week and shall be available to the family for not less than 13 months following the death of the patient.

(3) Bereavement and spiritual services shall provide support to enable an individual to adjust to experiences associated with death.

(4) A spiritual advisor, if selected by the patient-family unit, shall participate as a member of the interdisciplinary care team.

(5) Bereavement and spiritual services shall be delivered consistent with the patient care plan.

R 325.13306 Volunteer services.

Rule 306. (1) The hospice OR HOSPICE RESIDENCE may utilize lay or professional volunteer services to promote the availability of care, meet the broadest range of patient-family unit needs, and effect financial economy in the operation of the hospice OR HOSPICE RESIDENCE.

- (2) A volunteer services director shall develop and implement a program which meets the operational needs of the program, coordinates orientation and education of volunteers, defines the role and responsibilities of volunteers, recruits volunteers, and coordinates the utilization of volunteers with other program directors.
- (3) The volunteer services director shall be a member of the interdisciplinary team.
- (4) Volunteer service staff shall be aware of a patient's condition and treatment as indicated on the written plan of care.
- (5) Services provided by volunteers shall be in accord with the written plan of care.

R 325.13307 Social work services.

- Rule 307. (1) The hospice OR HOSPICE RESIDENCE shall provide, either directly or by arrangement, social work services to the patient and family before and following the patient's death.
- (2) Social work services shall be available, if needed, 7 days a week.
 - (3) Social work services shall provide support to enable an individual to adjust to experiences associated with death.
 - (4) Social work services shall be delivered consistent with the patient care plan.

~~PART 4. HEARING PROCEDURE~~

R 325.13401 Applicability. Rescinded.

- Rule 401. ~~(1) The procedures set forth in this part apply to the hearings required by sections 20165, 20166, and 20168 of the code.~~
- ~~(2) This part shall apply to certification and other proceedings under federal statutes where required by federal law or regulation.~~
 - ~~(3) Unless otherwise provided, the procedures for a hearing shall comply with sections 71 to 92 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.271 to 24.292 of the Michigan Compiled Laws.~~

R 325.13402 Initiation of hearings. Rescinded

- Rule 402. ~~(1) A hearing is initiated by the department by giving notice thereof, personally or by registered or certified mail. The notice shall include all of the following:~~
- ~~(a) The time, date, place, and nature of the hearing.~~
 - ~~(b) The action intended by the department, and a brief statement of the facts involved.~~
 - ~~(c) The legal authority and jurisdiction under which the hearing is to be held.~~
 - ~~(d) A reference to the applicable sections of the code and rules.~~
- ~~(2) The hearing shall be conducted by the director or 1 or more hearing officers designated by the director.~~

R 325.13403 Service. Rescinded.

Rule 403. ~~Unless otherwise specified, service of a document upon any party shall be made by personal delivery or mailing, by registered, certified, or first class mail, to the last known address of the party or the authorized representative of a party as indicated on the records of the department. Proof of service shall be filed with the department.~~

R 325.13404 Appearances. Rescinded.

Rule 404. ~~A party may appear in person, by an authorized representative, or by legal counsel.~~

R 325.13405 Form of pleadings. Rescinded.

Rule 405. (1) All pleadings shall contain the department's caption and docket number, if assigned, and shall include a clear and plain statement of facts alleged and the relief sought.

(2) A pleading, other than an exhibit, shall be typewritten, double spaced, and on letter size opaque paper, approximately 8 1/2 inches by 11 inches. The left margin shall be 1 1/2 inches and the right margin 1 inch. A pleading and other documents shall be fastened in the upper left corner.

R 325.13406 Pleading captions. Rescinded.

Rule 406. (1) A hearing shall be titled "In the matter of (name of respondent)." This caption shall appear at the upper left side of the first page of each filed pleading or document other than an exhibit.

(2) The first page of a pleading or document, other than an exhibit, shall show at its upper right side, opposite the caption, the docket number assigned by the department, if known.

R 325.13407 Extensions of time. Rescinded.

Rule 407. A request for an extension of time for the filing of a pleading or document shall be made in writing and served on the presiding officer and all parties 5 days before the date on which the pleading or document is due to be filed.

R 325.13408 Answers. Rescinded.

Rule 408. Within 15 days after service of a notice of hearing, a respondent may file a written answer with the department. The answer shall respond to all allegations in the notice of hearing which the party plans to contest, and a respondent shall raise any affirmative defenses not later than 10 days before the hearing. All allegations not denied by written answer are deemed admitted.

R 325.13409 Consolidation and severance of cases. Rescinded.

Rule 409. (1) Cases may be consolidated, for good cause, on the motion of any party or the hearing officer's own motion, when justice and the administration of the code and these rules require. A motion for the consolidation of cases shall be filed within 20 days after service of the notice of hearing on each party to the cases which would be consolidated. Within 10 days after service of the motion, the other parties may file a response thereto. Unless a request for oral argument is made and granted, the determination on the motion shall be made on the pleadings.

(2) Upon his or her motion, or upon a motion of any party, the hearing officer, for good cause, may order any case severed as to some or all issues or parties.

R 325.13410 Presiding officer; powers and duties. Rescinded.

Rule 410. (1) A presiding officer shall have all powers necessary or appropriate to conduct a fair, full, and impartial hearing, including the power to do all of the following:

(a) Administer oaths and affirmations.

(b) Rule upon offers of proof and receive relevant evidence.

(c) Provide for the taking of testimony by deposition.

(d) Regulate the course of the hearings, set the time and place for continued hearings, fix the time for the filing of briefs and other documents, and issue subpoenas.

(e) Consider and rule upon procedural requests.

(f) Hold conferences for the settlement or simplification of the issues by consent of the parties.

(g) Prepare proposed decisions, if required.

~~(2) When a hearing officer believes that he or she is disqualified from presiding over a particular hearing, he or she shall withdraw therefrom by notice on the record directed to the director. A party who claims that a hearing officer should be disqualified to preside, or to continue to preside, over a particular hearing may timely file with the director a motion to disqualify. The motion shall be supported by affidavits setting forth the alleged grounds for disqualification. The director shall rule upon motion, and the decision shall be determinative for purposes of the hearing.~~

R 325.13411 Prehearing conference. Rescinded.

~~Rule 411. (1) The presiding officer, upon request of any party or on his or her own motion, may order a prehearing conference for the purpose of facilitating the disposition of a contested case.~~

~~(2) The following are the purposes of the prehearing conference:~~

~~(a) To state and simplify the factual and legal issues to be litigated.~~

~~(b) To admit matters of fact and the authenticity of documents and to resolve other evidentiary matters to avoid unnecessary proof.~~

~~(c) To exchange lists of witnesses and the nature of their testimony.~~

~~(d) To estimate the time required for the hearing.~~

~~(e) To resolve other matters which may aid in the disposition of the case.~~

~~(3) At the prehearing conference, the presiding officer may make rulings on motions pertaining to evidence, law, and procedure when practicable. A record shall be made of all motions and rulings and other matters deemed appropriate at the presiding officer's discretion and shall become a part of the hearing record.~~

~~(4) The parties to a hearing are encouraged to voluntarily confer for the purpose of facilitating the disposition of a case.~~

R 325.13412 Adjournment. Rescinded.

~~Rule 412. A party may request an adjournment of a scheduled hearing by motion to the presiding officer assigned to conduct the hearing. The presiding officer shall not rule on the request until opposing parties have had an opportunity to be heard on the request. However, if all parties agree to the adjournment, then the presiding officer may rule on the request immediately.~~

R 325.13413 Consent findings and orders. Rescinded.

~~Rule 413. (1) At any time before a final order is issued, the parties may negotiate an agreement containing consent findings and an order disposing of the whole or part of the case. This agreement shall be submitted to the presiding officer who shall rule upon it after considering the nature of the proceeding, the representatives of the parties, and the probability of an agreement which would result in a just disposition of the issues involved.~~

~~(2) The agreement containing consent findings and an order disposing of a proceeding shall contain all of the following provisions:~~

~~(a) That the consent finding and order shall have the same force and effect as if made after a full hearing.~~

~~(b) That the record on which an order may be based shall consist solely of the pleadings and the agreement.~~

~~(c) A waiver of any further proceedings before the hearing officer and the director.~~

~~(d) A waiver of any right to challenge or contest, in any forum, the validity of the consent findings and order made in accordance with the agreement.~~

R 325.13414 Discovery and depositions. Rescinded.

~~Rule 414. (1) The same rights to discovery and depositions provided in the general court rules of this state applicable to civil cases shall apply to all hearings commenced and conducted under the code and these rules. The presiding officer shall rule on all motions relative to depositions and discovery.~~

~~(2) Discovery depositions and motions for discovery shall not be allowed by the presiding officer if they are likely to interfere with the efficient conduct of the hearing, unless substantial prejudice would result therefrom.~~

R 325.13415 Motion practice. Rescinded.

~~Rule 415. (1) Not less than 5 days before the date set for hearing in the notice, all preliminary motions shall be filed, unless the presiding officer, for good cause shown, permits the filing of such motions at a later date. These motions include all of the following: (a) Motions for a more definite statement.~~

~~(b) Motions to strike pleadings.~~

~~(c) Motions for accelerated judgment.~~

~~(d) Motions for summary judgment.~~

~~(e) Discovery motions.~~

~~(f) Motions relative to depositions.~~

~~(2) On the date set for hearing in the notice, the presiding officer shall first hear all pending preliminary motions. He or she shall decide them in the same manner as provided for in the general court rules of this state for civil cases. Thereafter, all motions are to be made, heard, and decided at the discretion of the presiding officer.~~

~~(3) After hearing all pending preliminary motions, if any, the presiding officer may hold a prehearing conference as provided for in R 325.13411.~~

R 325.13416 Direct testimony and exhibits. Rescinded.

~~Rule 416. When in any case it is deemed necessary or desirable, the presiding officer may direct that the direct testimony of any witness or witnesses be submitted in written form, together with any exhibits to be sponsored by the witness, before hearing. Such direct testimony shall be submitted in typewritten form on 8 1/2 inch by 11 inch paper and shall be in question and answer form. The direct testimony of each witness so submitted shall be made a separate exhibit, and the name and address of the witness, together with the caption of the case, shall appear on a cover sheet. Each witness is required to be present at the hearing to introduce his or her written testimony as an exhibit and for cross examination at such date, time, and place as directed by the presiding officer. In any case, and upon request therefor, a party shall have the right, notwithstanding any provision of this rule, to have any witness on his or her behalf present his or her direct testimony orally before the hearing officer.~~

R 325.13417 Transcripts. Rescinded.

~~Rule 417. Hearings shall be recorded, but need not be transcribed, unless requested by a party. The party requesting the transcript shall pay for the transcription.~~

R 325.13418 Proposal for decision and final order. Rescinded.

~~Rule 418. (1) Following the conclusion of a hearing, the hearing officer, if other than the director, shall deliver to the department the official case file and his or her proposal for decision. The department shall serve the proposal for decision upon the parties by registered or certified mail or personal service, and each party shall have 10 days from the date of service of the proposal for decision to file exceptions or present written arguments to the department.~~

~~(2) Following review of the record or the proposal for decision and exceptions thereto, if any, the department shall issue an order stating the findings of fact, conclusions of law, and final order or an order for further proceedings. The department shall serve copies of the order upon all parties.~~

~~(3) If no exceptions are filed, the proposal for decision shall become the final order of the department, unless the director issues his or her order within 90 days from the date of service of the proposal for decision.~~

PART 5. HOSPICE RESIDENCES PROVIDING CARE ONLY AT THE HOME CARE LEVEL

R. 325.13501 APPLICABILITY.

RULE 501. (1) UNLESS OTHERWISE SPECIFIED IN A RULE, THIS PART SHALL APPLY ONLY TO HOSPICE RESIDENCES THAT PROVIDE CARE ONLY AT THE HOME CARE LEVEL OF CARE.

(2) ARTICLES 1 AND 17 AND PART 214 OF 1978 PA 368, MCL 333.1101 ET SEQ., 333.20101 ET SEQ., AND 333.21401 ET SEQ. CONTAIN DEFINITIONS AND ADDITIONAL LICENSURE REQUIREMENTS FOR BOTH HOSPICE RESIDENCES THAT PROVIDE CARE ONLY AT THE HOME CARE LEVEL OF CARE AND HOSPICE RESIDENCES WHICH PROVIDE INPATIENT CARE.

R. 325.13503 SUBMISSION OF PLANS.

RULE 503. (1) COMPLETE PLANS, SPECIFICATIONS, AND AN OPERATIONAL NARRATIVE FOR NEW BUILDINGS, ADDITIONS, MAJOR BUILDING CHANGES, AND CONVERSION OF EXISTING FACILITIES TO USE AS A HOSPICE RESIDENCE, INCLUDING A HOSPICE RESIDENCE PROVIDING INPATIENT CARE, SHALL BE SUBMITTED TO THE BUREAU OF HEALTH SYSTEMS OF THE DEPARTMENT FOR REVIEW TO ASSURE COMPLIANCE WITH THE LAW AND THESE RULES.

(2) PLANS AND SPECIFICATIONS MEETING THE REQUIREMENTS OF THE LAW AND THESE RULES SHALL BE APPROVED BY THE DEPARTMENT.

(3) CONSTRUCTION OF NEW BUILDINGS, ADDITIONS, MAJOR BUILDING CHANGES, AND CONVERSIONS OF EXISTING FACILITIES TO USE AS A HOSPICE RESIDENCE SHALL NOT BEGIN UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED BY THE DEPARTMENT AND A CONSTRUCTION PERMIT HAS BEEN ISSUED FOR THE CONSTRUCTION TO BEGIN.

(4) THE PLAN REVIEW FEE SHALL BE CALCULATED AT 0.5% OF THE FIRST \$1,000,000 AND 0.85% OF THE AMOUNT OVER \$1,000,000. THE MAXIMUM PLAN REVIEW FEE SHALL BE \$30,000.

R 325.13505 EXTERIORS.

RULE 505. (1) THE PREMISES OF A HOME CARE HOSPICE RESIDENCE SHALL BE MAINTAINED IN A SAFE AND SANITARY CONDITION AND IN A MANNER CONSISTENT WITH THE PUBLIC HEALTH AND WELFARE.

(2) SUFFICIENT LIGHT FOR AN EXTERIOR RAMP, STEP, AND PORCH SHALL BE PROVIDED FOR THE SAFETY OF PERSONS USING THE FACILITIES.

(3) AN EXTERIOR STEP OR RAMP SHALL HAVE A HANDRAIL ON BOTH SIDES. A PORCH SHALL HAVE A RAILING TO OPEN SIDES.

R 325.13507 INTERIORS.

RULE 507. (1) A HOME CARE HOSPICE RESIDENCE BUILDING SHALL BE OF SAFE CONSTRUCTION AND SHALL BE FREE FROM HAZARDS TO HOSPICE RESIDENTS, PERSONNEL, AND VISITORS.

(2) A STAIRWAY OR RAMP SHALL HAVE A HANDRAIL ON BOTH SIDES.

(3) A ROOM SHALL BE PROVIDED WITH A TYPE AND AMOUNT OF VENTILATION WHICH WILL CONTROL ODORS AND CONTRIBUTE TO THE COMFORT OF OCCUPANTS AS FOLLOWS:

- SYSTEMS SHALL BE CAPABLE OF MAINTAINING A TEMPERATURE IN THE RANGE OF 71 TO 81 DEGREES FAHRENHEIT IN PATIENT AND PUBLIC AREAS.
- SUPPLY AIR SYSTEMS SHALL BE EQUIPPED WITH AIR FILTERS RATED AT A MINIMUM EFFICIENCY OF 25% PER ASHRAE STANDARD 52.1-92.- PRINTED COPIES OF ASHRAE STANDARD 52.1--1992 ARE AVAILABLE A COST OF \$15.00/MEMBER AND \$19.00/NON-MEMBER FROM THE AMERICAN SOCIETY OF HEATING, REFRIGERATION, AND AIR-CONDITIONING ENGINEERS, INC. (ASHRAE), 1791 TULLIE CIRCLE, NE, ATLANTA, GA AND WWW.ASHRAE.ORG. IT IS ALSO AVAILABLE FOR REVIEW AT THE BUREAU OF HEALTH SYSTEMS, MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES, 525 W. OTTAWA, G. MENNEN WILLIAMS BUILDING, 5TH FLOOR, LANSING, MI 48933.
- NET AIRFLOW SHALL BE FROM CLEAN TO LESS CLEAN.
- AIR SHALL NOT BE RETURNED FROM TOILET/BATHING ROOMS, JANITOR'S CLOSETS, SOILED HOLDING/UTILITY ROOMS, AND ISOLATION ROOMS.
- CONTINUOUS EXHAUST VENTILATION SHALL BE PROVIDED FOR JANITOR CLOSETS, SOILED UTILITY ROOMS, ISOLATION ROOMS, AND TOILET ROOMS THAT SERVE MORE THAN 1 PATIENT.

(4) A FLOOR, WALL, OR CEILING SHALL BE COVERED AND FINISHED IN A MANNER THAT WILL PERMIT MAINTENANCE OF A SANITARY ENVIRONMENT.

(5) ALL OF THE FOLLOWING AREAS OF THE HOSPICE RESIDENCE SHALL BE PROVIDED WITH LIGHTING AS FOLLOWS:

A) GENERAL ROOM ILLUMINATION-10 FOOTCANDLES MEASURED AT 30 INCHES ABOVE THE FLOOR.

B) READING LOCATIONS (HEAD OF BED)-30 FOOTCANDLES.

C) CHARTING/MEDICATION AREA-50 FOOT CANDLES.

D) HANDWASH SINKS AND BATHING AREAS-30 FOOTCANDLES.

E) FOOD PREPARATION AREAS (TASK LEVEL)-30 FOOTCANDLES.

F) STORAGE ROOMS-20 FOOTCANDLES.

G) CORRIDORS-20 FOOTCANDLES.

H) LAUNDRY (GENERAL)-30 FOOTCANDLES.

I) EXAMINATION/TREATMENT (MAY BE PORTABLE)-75 FOOTCANDLES.

J) NIGHT LIGHTING ~~TO~~ IN TOILET ROOMS AND BEDROOMS, SUFFICIENT TO ILLUMINATE A FOOTPATH FROM THE BED TO THE TOILET ROOM.

K) LIGHT FIXTURES SHALL BE EQUIPPED WITH LENSES OR SHIELDS FOR PROTECTION OF THE LAMPS OR WITH LAMPS THAT WILL NOT SHATTER.

(6) A ROOM USED FOR LIVING OR SLEEPING PURPOSES SHALL HAVE A MINIMUM TOTAL WINDOW GLASS AREA ON THE OUTSIDE WALLS EQUAL TO ~~8%~~ 10% OF THE REQUIRED FLOOR AREA AND A CLEAR UNOBSTRUCTED WINDOW VIEW FOR A MINIMUM DISTANCE OF 20 FEET.

- (7) A MINIMUM OF 30 SQUARE FEET OF FLOOR SPACE PER HOSPICE BED SHALL BE PROVIDED FOR DAYROOM, DINING, AND ACTIVITY SPACE.
- (8) A BASEMENT OR CELLAR SHALL NOT BE USED FOR SLEEPING OR LIVING QUARTERS.
- (9) A BATTERY OR SECONDARY POWER SOURCE SHALL BE PROVIDED FOR ALL CRITICAL OR LIFE SUPPORT EQUIPMENT, INCLUDING OXYGEN AND SUCTION EQUIPMENT, AND THERE SHALL BE EMERGENCY LIGHTING SUFFICIENT TO LIGHT CORRIDORS AND EXITS.
- (10) A FUNCTIONALLY SEPARATE LIVING, SLEEPING, DINING, LAVATORY, WATER CLOSET, AND BATHING FACILITY SHALL BE PROVIDED FOR PERSONNEL AND MEMBERS OF THEIR FAMILIES WHO LIVE ON THE PREMISES.
- (11) A DOORWAY, PASSAGEWAY, CORRIDOR, HALLWAY, OR STAIRWELL SHALL BE KEPT FREE FROM OBSTRUCTIONS AT ALL TIMES.
- (12) AN ELEVATOR SHALL BE PROVIDED IF HOSPICE BEDS ARE LOCATED ON MORE THAN 1 FLOOR LEVEL. AN ELEVATOR SHALL HAVE A MINIMUM CAB SIZE OF 5 FEET BY 7 FEET 6 INCHES.
- (13) DEDICATED SPACE SHALL BE PROVIDED FOR PATIENT/FAMILY VISITATION AND BEREAVEMENT. THE SPACE MAY BE OMITTED WHERE ALL PRIVATE BEDROOMS ARE PROVIDED.
- (14) THE FACILITY SHALL PROVIDE FOR FAMILY OVERNIGHT STAY.

R 325.13509 HOME CARE HOSPICE RESIDENCE ROOMS.

- RULE 509. (1) A BEDROOM SHALL HAVE THE FLOOR SURFACE AT OR ABOVE GRADE LEVEL ALONG EXTERIOR WALLS WITH WINDOWS.
- (2) A SINGLE BEDROOM SHALL PROVIDE NOT LESS THAN 100 SQUARE FEET OF USABLE FLOOR SPACE.
 - (3) A MULTI-BED ROOM SHALL PROVIDE NOT LESS THAN 80 SQUARE FEET OF USABLE FLOOR SPACE PER BED.
 - (4) USABLE FLOOR SPACE SHALL NOT INCLUDE A TOILET ROOM, CLOSET, OR VESTIBULE.
 - (5) A BEDROOM SHALL BE PROVIDED WITH A LAVATORY AND TOILET ROOM OPENING INTO THE ROOM.
 - (6) A WARDROBE OR CLOSET SHALL BE PROVIDED FOR THE STORAGE OF PERSONAL CLOTHING.
 - (7) A MULTIPLE BED ROOM SHALL BE DESIGNED TO HAVE A 3-FOOT CLEARANCE AT EACH SIDE AND FOOT OF THE BED.
 - (8) A WATER CLOSET OR BATHING FACILITY SHALL HAVE SUBSTANTIALLY SECURED GRAB BARS AT LEAST 1 FOOT LONG.
 - (9) A BEDROOM SHALL PERMIT THE FUNCTIONAL PLACEMENT OF FURNITURE AND EQUIPMENT ESSENTIAL TO THE RESIDENTS' COMFORT AND SAFETY.
 - (10) A BEDROOM SHALL HAVE NOT LESS THAN 2 DUPLEX RECEPTACLES, AT LEAST 1 OF WHICH SHALL BE NEAR THE HEAD OF EACH BED.
 - (11) A NURSE CALL SYSTEM SHALL BE PROVIDED AT EACH HOME CARE HOSPICE RESIDENT BED, WATER CLOSET, AND BATHING FIXTURE. THE NURSE CALL SHALL REGISTER AT A STAFF LOCATION. AN ALTERNATE CALLING/ALERT SYSTEM MAY BE APPROVED BY THE DEPARTMENT. A HAND BELL OR OTHER CALL SYSTEM IS ACCEPTABLE IN A HOSPICE RESIDENCE THAT HAS 8 OR FEWER BEDS IF ALL BEDS ARE LOCATED WITHIN

DIRECT OBSERVATION OF THE STAFF WORK STATION AND IF THE CALL IS CLEARLY AUDIBLE AND IDENTIFIES THE PATIENT LOCATION.

(12) THE NEED FOR AND NUMBER OF AIRBORNE INFECTION ISOLATION ROOMS IN A HOME CARE HOSPICE RESIDENCE SHALL BE DETERMINED BY AN INFECTION CONTROL RISK ASSESSMENT. WHERE PROVIDED, AN ISOLATION ROOM SHALL BE A SINGLE BED ROOM THAT HAS AN ATTACHED LAVATORY, WATER CLOSET, AND BATHING FACILITY RESERVED FOR THE USE OF THE OCCUPANT OF THE ISOLATION ROOM ONLY. THE ISOLATION ROOM SHALL HAVE AN AREA FOR STAFF HAND WASHING AND GOWNING AND FOR STORAGE OF CLEAN AND SOILED MATERIALS LOCATED DIRECTLY OUTSIDE OR IMMEDIATELY INSIDE THE ENTRY DOOR TO THE ROOM.

(13) A MINIMUM OF 10% OF THE BEDROOMS SHALL BE ACCESSIBLE AND MEET THE REQUIREMENTS OF THE MICHIGAN BARRIER FREE DESIGN CRITERIA.

(14) A HOSPICE PATIENT ROOM SHALL HAVE NOT MORE THAN 4 BEDS.

(15) IN MULTIPLE-BEDROOMS, VISUAL PRIVACY FROM CASUAL OBSERVATION BY OTHER RESIDENTS AND VISITORS SHALL BE PROVIDED FOR EACH RESIDENT. THE DESIGN FOR PRIVACY SHALL NOT RESTRICT RESIDENT ACCESS TO THE ENTRANCE, LAVATORY, TOILET ROOM, OR WARDROBE.

R 325.13511 HOSPICE CARE UNIT.

RULE 511. (1) A HOSPICE CARE UNIT IN A HOME CARE HOSPICE RESIDENCE SHALL HAVE ALL OF THE FOLLOWING:

(A) A DEDICATED AREA FOR MEDICATION STORAGE AND PREPARATION AND CHARTING. THE SPACE SHALL BE WELL LIGHTED, EQUIPPED WITH A LAVATORY FOR HAND WASHING, A REFRIGERATOR, AND LOCKED STORAGE FOR MEDICATION.

(B) A ROOM FOR THE STORAGE OF CLEAN LINEN, CLEAN EQUIPMENT, AND CLEAN SUPPLIES.

(C) A WORKROOM FOR HOLDING TRASH AND SOILED LINENS THAT IS ALSO DESIGNED FOR REPROCESSING OF EQUIPMENT. THE ROOM SHALL BE SEPARATE FROM CLEAN STORAGE FACILITIES.

(D) A JANITOR'S CLOSET SHALL BE PROVIDED. FOR HOME CARE HOSPICE RESIDENCES OF 8 OR FEWER BEDS, THE JANITOR'S CLOSET MAY BE COMBINED WITH A PROPERLY SIZED SOILED WORK ROOM.

(2) A BATHING FACILITY SHALL BE PROVIDED FOR EVERY 20 HOME CARE HOSPICE RESIDENCE BEDS.

(3) AT LEAST 1 ASSISTED (BARRIER FREE) BATHING FIXTURE SHALL BE PROVIDED.

(4) A HOME CARE HOSPICE TOILET ROOM OR BATHROOM SHALL NOT BE USED FOR STORAGE OR HOUSEKEEPING FUNCTIONS.

R 325.13513 PUBLIC AND PERSONNEL AREA.

RULE 513. (1) A PUBLIC TOILET ROOM THAT HAS A LAVATORY AND WATER CLOSET SHALL BE PROVIDED.

(2) A DEDICATED STAFF BREAK/LOCKER SPACE SHALL BE PROVIDED. A LAVATORY AND WATER CLOSET SHALL BE LOCATED CONVENIENT TO THE BREAK/LOCKER SPACE. FOR A HOME CARE HOSPICE RESIDENCE THAT HAS 8 OR FEWER BEDS, THE STAFF FACILITIES AND PUBLIC AREAS MAY BE SHARED.

R 325.13515 LAUNDRY AND LINENS.

RULE 515. (1) THE COLLECTION, STORAGE, AND TRANSFER OF CLEAN AND SOILED LINEN SHALL BE ACCOMPLISHED IN A MANNER THAT WILL MINIMIZE THE DANGER OF DISEASE TRANSMISSION.

(2) A HOME CARE HOSPICE RESIDENCE THAT USES AN OUTSIDE LAUNDRY SERVICE SHALL HAVE A SOILED LINEN HOLDING ROOM AND A SEPARATE CLEAN LINEN/ SUPPLIES STORAGE ROOM. WHEN JUSTIFIED BY THE OPERATIONAL NARRATIVE, A PROPERLY SIZED SOILED WORK ROOM MAY FUNCTION AS THE SOILED LINEN HOLDING ROOM.

(3) A HOME CARE HOSPICE RESIDENCE THAT PROCESSES ITS OWN LINEN SHALL PROVIDE A WELL VENTILATED LAUNDRY ROOM OF SUFFICIENT SIZE TO ALLOW FUNCTIONAL SEPARATION OF SOILED LINEN HOLDING, LAUNDRY PROCESSING, AND CLEAN LINEN FOLDING. THE LAUNDRY SHALL BE VENTILATED TO PROVIDED DIRECTIONAL AIRFLOW FROM CLEAN TO SOILED AREAS. A LAVATORY FOR HAND WASHING SHALL BE PROVIDED IN THE LAUNDRY PROCESSING AREA. A SEPARATE CLEAN LINEN STORAGE ROOM/AREA SHALL BE PROVIDED. WHEN JUSTIFIED BY THE OPERATIONAL NARRATIVE, A PROPERLY SIZED AND LOCATED SOILED WORK ROOM MAY SERVE AS A SOILED LINEN HOLDING ROOM. LAUNDRY EQUIPMENT SHALL BE RATED COMMERCIAL OR HEAVY DUTY.

R 325.13517 WATER SYSTEMS.

RULE 517. (1) A HOME CARE HOSPICE RESIDENCE LOCATED IN A AREA SERVED BY A PUBLIC WATER SYSTEM SHALL CONNECT TO AND USE THAT SYSTEM.

(2) WHEN A PUBLIC WATER SYSTEM IS NOT AVAILABLE, THE LOCATION AND CONSTRUCTION OF A WELL AND THE OPERATION OF THE WATER SYSTEM SHALL COMPLY WITH 1976 PA 399, MCL 325.1001 SEQ.

(3) TEMPERED WATER SHALL BE REGULATED IN THE RANGE BETWEEN 105 AND 120 DEGREES FAHRENHEIT.

R 325.13519 LIQUID WASTES.

RULE 519. (1) LIQUID WASTES SHALL BE DISCHARGED INTO A PUBLIC SANITARY SEWAGE SYSTEM WHEN A SYSTEM IS AVAILABLE.

(2) IF A PUBLIC SANITARY SEWAGE SYSTEM IS NOT AVAILABLE AND A PRIVATE LIQUID WASTEWATER DISPOSAL SYSTEM IS USED, THE TYPE, SIZE, CONSTRUCTION, AND ALTERATION OF THE SYSTEM SHALL COMPLY WITH ALL APPLICABLE LAWS. A SUBSURFACE DISPOSAL SYSTEM SHALL NOT BE APPROVED FOR A HOME CARE HOSPICE RESIDENCE THAT HAS MORE THAN 8 BEDS.

(3) THE WASTEWATER DISPOSAL SYSTEM SHALL BE MAINTAINED IN A SANITARY MANNER.

R 325.13521 SOLID WASTES.

RULE 521. (1) THE COLLECTION, STORAGE, AND DISPOSAL OF SOLID WASTES, INCLUDING GARBAGE, REFUSE, AND DRESSINGS, SHALL BE ACCOMPLISHED IN A MANNER WHICH WILL MINIMIZE THE DANGER OF DISEASE TRANSMISSION AND AVOID CREATING A PUBLIC NUISANCE OR A BREEDING PLACE FOR INSECTS AND RODENTS.

(2) SUITABLE CONTAINERS FOR GARBAGE, REFUSE, MEDICAL WASTE, AND OTHER SOLID WASTES SHALL BE PROVIDED, EMPTIED AT FREQUENT INTERVALS, AND MAINTAINED IN A CLEAN AND SANITARY CONDITION.

R 325.13523 HEATING.

RULE 523. A ROOM IN THE HOME CARE HOSPICE RESIDENCE USED BY RESIDENTS SHALL BE MAINTAINED AT A REGULAR DAY TIME TEMPERATURE OF NOT LESS 72 DEGREES FAHRENHEIT. BEDROOM TEMPERATURES OF LESS THAN 72 DEGREES FAHRENHEIT ARE PERMITTED IF JUSTIFIED BY THE HOSPICE PATIENT'S MEDICAL CONDITION OR PREFERENCE.

R 325.13525 KITCHEN AND DIETARY AREA.

RULE 525. (1) A HOME CARE HOSPICE RESIDENCE SHALL HAVE A KITCHEN AND DIETARY AREA OF ADEQUATE SIZE TO MEET FOOD SERVICE NEEDS OF THE RESIDENTS. IT SHALL BE ARRANGED AND EQUIPPED FOR THE REFRIGERATION, STORAGE, PREPARATION, AND SERVING OF FOOD AS WELL AS FOR DISH AND UTENSIL CLEANING AND REFUSE STORAGE AND REMOVAL. WHERE FOOD SERVICE IS PROVIDED FROM AN OUTSIDE SERVICE, THE FOOD SERVICE SHALL BE LICENSED BY THE MICHIGAN DEPARTMENT OF AGRICULTURE.

(2) THE KITCHEN AND DIETARY AREA SHALL BE EQUIPPED WITH A LAVATORY FOR HAND WASHING. THE LAVATORY SHALL HAVE A GOOSENECK INLET AND WRISTBLADE OR OTHER HANDSFREE CONTROLS.

(3) FOOD STORED, PREPARED, AND SERVED IN THE HOSPICE RESIDENCE SHALL MEET THE REQUIREMENTS OF 2000 PA 92, MCL 289.1101 ET SEQ.

(4) MULTI-USE UTENSILS USED IN FOOD STORAGE, PREPARATION, TRANSPORT, OR SERVING SHALL BE DESIGNED, CLEANED AND SANITIZED IN ACCORDANCE WITH THE REQUIREMENTS OF 2000 PA 92, MCL 289.1101 ET SEQ.

(5) FOOD EQUIPMENT AND WORK SURFACES SHALL MEET THE REQUIREMENTS OF 2000 PA 92, MCL 289.1101 ET SEQ. HEAVY-DUTY RESIDENTIAL FOOD EQUIPMENT, INCLUDING AN EXHAUST HOOD AND WORK SURFACES MAY BE PROVIDED IN A HOSPICE RESIDENCE THAT HAS 8 BEDS OR LESS.

R 325.13527 INSECT AND VERMIN CONTROL.

RULE 527. (1) A HOME CARE HOSPICE RESIDENCE SHALL BE KEPT FREE FROM INSECTS AND VERMIN.

(2) BREEDING PLACES FOR INSECTS AND VERMIN SHALL BE ELIMINATED.

R 325.13529 GENERAL MAINTENANCE.

RULE 529. (1) THE BUILDING, EQUIPMENT, AND FURNITURE SHALL BE KEPT CLEAN AND IN GOOD REPAIR.

(2) HAZARDOUS AND TOXIC MATERIALS SHALL BE STORED IN A SAFE MANNER.

(3) A ROOM SHALL BE PROVIDED IN THE HOME CARE HOSPICE RESIDENCE OR ON THE PREMISES FOR EQUIPMENT AND FURNITURE MAINTENANCE AND REPAIR AND FOR THE STORAGE OF MAINTENANCE EQUIPMENT AND SUPPLIES.

R. 325.13531 FIRE SAFETY AND DISASTER PLANNING.

RULE 531. (1) A HOME CARE HOSPICE RESIDENCE SHALL COMPLY WITH ALL OF THE FOLLOWING PROVISIONS:

- OBTAIN FIRE SAFETY APPROVAL PURSUANT TO SECTIONS 20156 AND 21413(3)(C) OF 1978 PA 368, MCL 333.20156 AND 333.21413(3)(C).
- HAVE A DISASTER MANAGEMENT PLAN TAILORED TO THE FACILITY AND THE TYPES OF RESIDENTS IT SERVES, WHICH SHALL BE PERIODICALLY PRACTICED ON ALL SHIFTS.
- HAVE POLICIES AND PROCEDURES TO MEET POTENTIAL EMERGENCIES AND DISASTERS, WHICH INCLUDE, AT A MINIMUM, FIRE, TORNADO, POWER OUTAGE, AND SEVERE WEATHER.

(2) A HOME CARE HOSPICE RESIDENCE SHALL HAVE POLICIES AND PROCEDURES WHICH ADDRESS ALL OF THE FOLLOWING:

- PROMPT IDENTIFICATION AND TRANSFER OF PATIENTS AND RECORDS TO THE APPROPRIATE FACILITY.
- ARRANGEMENTS WITH COMMUNITY RESOURCES.

(C) EMERGENCY MANAGEMENT AND FAMILY CALL.

R. 325.13533 PHARMACEUTICAL SERVICES.

RULE 533. PHARMACEUTICAL SERVICES IN A HOME CARE HOSPICE RESIDENCE SHALL COMPLY WITH THE REQUIREMENTS OF 42 C.F.R. 418.100(K). PRINTED COPIES OF 42 CFR, PART 418.00, PUBLISHED IN DECEMBER, 2001 IN THE FEDERAL REGISTER, ARE AVAILABLE FOR INSPECTION AND DISTRIBUTION TO THE PUBLIC FROM THE UNITED STATES GOVERNMENT PRINTING OFFICE, SUPERINTENDENT OF DOCUMENTS, PO BOX 371954, PITTSBURGH, PA 15250-7924, AT A COST OF \$59.00 AT THE TIME OF THE ADOPTION OF THIS RULE. THE FULL TEXT OF CODE OF FEDERAL REGULATIONS ARE ALSO AVAILABLE IN ELECTRONIC FORMAT AT WWW.ACCESS.GPO.GOV/NARA AND IS AVAILABLE FOR REVIEW AT THE BUREAU OF HEALTH SYSTEMS, MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES, 525 W. OTTAWA, G. MENNEN WILLIAMS BUILDING, 525 W. OTTAWA, LANSING, MI 48933.

R. 325.13535 INFECTION CONTROL.

RULE 535. (1) THE PLAN FOR INFECTION CONTROL, REQUIRED BY SECTION 21413(3)(B) OF THE CODE, SHALL BE APPROVED BY THE RESIDENCE ADMINISTRATION AND SHALL CONTAIN A PLAN AND FACILITY POLICIES WHICH ADDRESS, AT LEAST ALL OF THE FOLLOWING:

PROVISIONS FOR ISOLATING EACH PATIENT WHO HAS AN INFECTIOUS DISEASE.

PROVISIONS FOR ISOLATION ROOMS.

UNIVERSAL PRECAUTIONS.

TRANSFER OF PATIENTS TO OTHER FACILITIES IF REQUIRED.

NON-ADMISSION OF PATIENTS WHO HAVE AIRBORNE INFECTIOUS DISEASE.

(2) A RESIDENCE SHALL REQUIRE A NEW RESIDENT TO HAVE HAD A CHEST X-RAY WITHIN 90 DAYS BEFORE ADMISSION.

(3) EMPLOYEE TB TESTING SHALL INCLUDE THE 2-STEP MANTOUX TEST AND SHALL BE ANNUAL OR AS SPECIFIED BY THE LOCAL HEALTH DEPARTMENT.

R. 325.13537 STAFFING REQUIREMENTS.

RULE 537. (1) A HOME CARE HOSPICE RESIDENCE SHALL COMPLY WITH ALL OF THE FOLLOWING STAFFING REQUIREMENTS:

(A) PROVIDE 24-HOUR NURSING SERVICES FOR EACH PATIENT IN ACCORDANCE WITH THE PATIENT'S HOSPICE CARE PLAN AS REQUIRED BY 42 C.F.R. PART 418. PRINTED COPIES OF 42 CFR, PART 418.00, PUBLISHED IN DECEMBER, 2001 IN THE FEDERAL REGISTER, ARE AVAILABLE FOR INSPECTION AND DISTRIBUTION TO THE PUBLIC FROM THE UNITED STATES GOVERNMENT PRINTING OFFICE, SUPERINTENDENT OF DOCUMENTS, PO BOX 371954, PITTSBURGH, PA 15250-7924, AT A COST OF \$59.00 AT THE TIME OF THE ADOPTION OF THIS RULE. THE FULL TEXT OF CODE OF FEDERAL REGULATIONS ARE ALSO AVAILABLE IN ELECTRONIC FORMAT AT WWW.ACCESS.GPO.GOV/NARA AND IS AVAILABLE FOR REVIEW AT THE BUREAU OF HEALTH SYSTEMS, MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES, 525 W. OTTAWA, G. MENNEN WILLIAMS BUILDING, 525 W. OTTAWA, LANSING, MI 48933.

(B) PROVIDE NURSING CARE AND SERVICES BY OR UNDER THE SUPERVISION OF A REGISTERED NURSE.

(C) DIRECT AND STAFF NURSING SERVICES TO ASSURE THAT THE NURSING NEEDS OF PATIENTS ARE MET.

(D) SPECIFY PATIENT CARE RESPONSIBILITIES OF NURSING AND OTHER HOSPICE PERSONNEL.

(E) PROVIDE SERVICES IN ACCORDANCE WITH RECOGNIZED STANDARDS OF PRACTICE.

(F) PROVIDE A LICENSED NURSE FOR EACH SHIFT.

(2) A HOME CARE HOSPICE RESIDENCE SHALL MAINTAIN A NURSING STAFF SUFFICIENT TO PROVIDE AT LEAST 1 NURSE TO EACH 8 PATIENTS ON THE MORNING SHIFT; 1 NURSE TO EACH 12 PATIENTS ON THE AFTERNOON SHIFT; AND 1 NURSE TO EACH 15 PATIENTS ON THE NIGHTTIME SHIFT. ADDITIONAL NURSES AND OTHER NURSING PERSONNEL SHALL BE ADDED BASED UPON PATIENT OR FAMILY NEEDS.

R. 325.13539 MEDICAL WASTE.

RULE 539. A HOME CARE HOSPICE RESIDENCE SHALL COMPLY WITH THE REQUIRMENTS OF 1990 PA 13, MCL 330.1147 ET SEQ.

R. 325.13541 DIETARY.

RULE 541. A HOME CARE HOSPICE RESIDENCE DIETARY SERVICE SHALL COMPLY WITH THE REQUIREMENTS OF 42 CFR 418.100(J). PRINTED COPIES OF 42 CFR, PART 418.00, PUBLISHED IN DECEMBER, 2001 IN THE FEDERAL REGISTER, ARE AVAILABLE FOR INSPECTION AND DISTRIBUTION TO THE PUBLIC FROM THE UNITED STATES GOVERNMENT PRINTING OFFICE, SUPERINTENDENT OF DOCUMENTS, PO BOX 371954, PITTSBURGH, PA 15250-7924, AT A COST OF \$59.00 AT THE TIME OF THE ADOPTION OF THIS RULE. THE FULL TEXT OF CODE OF FEDERAL REGULATIONS ARE ALSO AVAILABLE IN ELECTRONIC FORMAT AT WWW.ACCESS.GPO.GOV/NARA AND IS AVAILABLE FOR REVIEW AT THE BUREAU OF HEALTH SYSTEMS, MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES, 525 W. OTTAWA, G. MENNEN WILLIAMS BUILDING, 525 W. OTTAWA, LANSING, MI 48933.

R. 325.13543 ADDITIONAL REQUIREMENTS.

RULE 543. A HOSPICE RESIDENCE WHICH PROVIDES BOTH HOME CARE AND AN INPATIENT LEVEL OF CARE SHALL COMPLY WITH THE REQUIREMENTS ESTABLISHED FOR HOSPICES PROVIDING AN INPATIENT LEVEL OF CARE.

NOTICE OF PUBLIC HEARING

ORR # 2000-059

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF HEALTH SYSTEMS

HOSPICE AND HOSPICE RESIDENCES

The Department of Consumer and Industry Services, Bureau of Health Systems, will hold a public hearing on Tuesday, November 19, 2002 from 9:00 a.m. to 12:00 p.m. in the 1st floor auditorium, G. Mennen Williams Law Building, 525 W. Ottawa Street, Lansing, Michigan.

A public hearing is being held to consider changes to the rules for hospice and hospice residences. The hearing is being conducted in accordance with the Administrative Procedures Act, 306 PA 1969, as amended (262 PA 1999).

The proposed amendment would become effective seven days after filing with the Secretary of State.

Interested persons may present comments at the hearing or in writing. Written comments will be accepted until 5:00 p.m. on Friday, December 6, 2002. A copy of the rule will be published in the Michigan Register on 15, 2002, or may be obtained from the following address:

Bureau of Health Systems
Department of Consumer & Industry Services
P. O. Box 30664
Lansing MI 48909
Telephone: 517/241-3830

E-mail: jkrobin@michigan.gov

The public hearing is conducted in compliance with the 1990 Americans with Disabilities Act, in an accessible building with handicapper parking available. Persons requiring assistance or accommodations to participate in the hearing may call 517/241-9219 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-033

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

LIQUOR CONTROL COMMISSION

GENERAL RULES

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1))

R 436.1001, R 436.1011, R 436.1041, R 436.1049, and R 436.1051 of the Michigan Administrative Code are amended, R 436.1060 is added, and R 436.1037 and R 436.1057 are rescinded, as follows:

R 436.1001 Definitions.

Rule 1. (1) As used in these rules:

(a) “Act” means ~~Act No. 58 of the Public Acts of 1998, as amended, being §436.1101 et seq. of the Michigan Compiled Laws~~ 1998 P.A. 58, MCL 436.1101 et seq.

(b) “Broker” means a person, other than an individual, who is licensed by the commission and who is employed or otherwise retained by any of the following entities to sell, promote, or otherwise assist in the sale or promotion of alcoholic liquor:

(i) A manufacturer.

(ii) A vendor of spirits.

(iii) An outstate seller of beer.

(iv) An outstate seller of wine.

(v) An outstate seller of mixed spirit drink.

(vi) A manufacturer of mixed spirit drink.

(vii) A wholesaler.

(c) “Co-licensee” means 1 of 2 or more persons whose names appear on any single license issued by the commission, except for a person whose name appears on the license in a fiduciary capacity. All co-licensees on a single license are considered a partnership for purposes of the act and these rules.

(d) “Cooperative advertising” means a joint effort between licensees or vendors of spirits to advertise alcoholic liquor.

(e) “Department store” means a retail store that has all of the following:

(i) More than 15,000 square feet.

(ii) A minimum of 4 separate and distinct major departments that include at least 1 of the stores listed in R 436.1129(1)(a) to (g).

(iii) A minimum inventory of \$250,000.00, at cost.

(f) “Drive-in” or “drive-through” means an establishment that allows the sale of alcoholic liquor to a retail customer through a service window or similar aperture without requiring the retail customer to exit his or her vehicle to make the purchase and includes an establishment that allows the retail customer to drive in or through any enclosed building or structure and make a purchase of alcoholic liquor without requiring the retail customer to exit his or her vehicle.

(G) “DRIVE-UP OR WALK-UP WINDOW” MEANS A SERVICE WINDOW, DOOR, OR OTHER APERTURE THROUGH WHICH A CUSTOMER MAY PURCHASE MERCHANDISE WITHOUT THAT CUSTOMER ENTERING THE LICENSED PREMISES.

~~(H)~~(H) “Driver helper” means a person who is not less than 18 years of age and who accompanies and assists, and who may only accompany and assist, a licensed salesperson in delivering alcoholic liquor to a retail licensee.

~~(I)~~(I) “Licensed premises” means any portion of a building, structure, room, or enclosure on real estate that is owned, leased, used, controlled, or operated by a licensee in the conduct of the business at the location for which the licensee is licensed by the commission, except when otherwise specified by commission rule or written commission order.

~~(J)~~(J) “Licensee” means the person to whom a license is issued by the commission to manufacture, sell, import, warehouse, deliver, or promote, or otherwise assist in the sale of, alcoholic liquor.

~~(K)~~(K) “Major thoroughfare” means a street or highway which is primarily for through traffic and which has not less than 4 lanes of traffic, excluding any lanes that are used primarily for turning purposes and any lanes in which parking is allowed at any time.

~~(L)~~(L) “Neighborhood shopping center” means 1 commercial establishment, or a group of commercial establishments organized or operated as a unit, which is related in location, size, and type of shop to the trade area that the unit serves, which provides not less than 50,000 square feet of gross leasable retail space, and which provides 5 private off-street parking spaces for each 1,000 square feet of gross leasable retail space.

~~(M)~~(M) “Off-premises licensee” means a person who is licensed by the commission to sell alcoholic liquor at retail for consumption off the licensed premises.

~~(N)~~(N) “On-premises licensee” means a person who is licensed by the commission to sell alcoholic liquor at retail for consumption on the licensed premises.

~~(O)~~(O) “Permit” means a contract between the commission and a licensee granting authority to the licensee to perform the functions defined in the act or commission rules for a specific permit.

~~(P)~~(P) “Privately held corporation” means a corporation that does not trade its stock on a stock exchange or in over-the-counter transactions. A subsidiary of a corporation that trades its stock on a stock exchange or in over-the-counter transactions is not a privately held corporation.

~~(Q)~~(Q) “Public room” means a room that is open for use by the general public for eating, drinking, or amusement. “Public room” does not mean any of the following:

- (i) A restroom.
- (ii) A kitchen.
- (iii) A storage room.
- (iv) An office.
- (v) A boiler room.
- (vi) A hallway.
- (vii) A landing.
- (viii) A stairway.
- (ix) An elevator.
- (x) A dance floor.

(xi) A stage.

(xii) An area similar to the areas specified in this subdivision.

~~(q)~~(R) “Release” means a document in which written permission is granted by the commission to ship alcoholic liquor into this state.

~~(s)~~(S) “Salesperson” means a person who is employed by any of the following entities and who is licensed by the commission to sell, deliver, or promote, or otherwise assist in the sale of, alcoholic liquor in this state:

(i) A vendor of spirits.

(ii) A broker.

(iii) A manufacturer of beer or wine.

(iv) An outstate seller of beer or wine.

(v) A wholesaler.

~~(t)~~(T) “Sample of alcoholic liquor” means a container which bears the word “sample” and which is not more than 1 liter or 33.82 United States fluid ounces. If a product is not available in a container of 1 liter or less, then the next larger size may be substituted. However, a container shall not be more than 3 liters.

~~(u)~~(U) “Sports/entertainment venue” means a facility which is licensed to sell alcoholic liquor for on-premises consumption, which has a seating capacity of 4,500 or more, which is primarily used for sporting events or other entertainment, and which is not located on the campus of a 2- or 4-year college or university.

~~(v)~~(V) “Temporary bin display” means a freestanding device which is constructed of any material that is used for the exhibition of beer, wine, or

spirits on the premises of a retail licensee who is licensed for off-premises sales only and which must be removed from the retail licensed premises not later than 120 days after installation.

~~(w)~~(W) “Vendor of spirits” means a person who sells spirits to the commission.

~~(x)~~(X) “Vendor representative” means a person who is licensed by the commission and who is authorized by a manufacturer of beer or wine, an outstate seller of beer or wine, or a vendor of spirits to represent the respective employer or principal in transactions with the commission.

(2) Terms defined in the act have the same meanings when used in these rules.

(3) Terms defined in the act and these rules have the same meanings when used in rules previously or hereafter promulgated by the commission.

R 436.1011 Prohibited conduct of licensees, agents, or employees.

Rule 11. (1) The clerk, servant, agent, or employee of a licensee shall not engage in an illegal occupation or illegal act on the licensed premises. A certified copy of a conviction is prima facie evidence of a violation.

(2) A licensee, an officer of a licensed corporation, a stockholder of a privately held corporation, or a member or manager of a limited liability company shall not, on or off its licensed premises, commit ANY OF THE FOLLOWING:

(a) A felony.

(b) A crime involving the excessive use of alcoholic liquor.

(c) A crime involving gambling, prostitution, weapons, violence, tax evasion, fraudulent activity, or controlled substances.

(d) A misdemeanor ~~of such a nature~~ that it impairs, or may impair, the ability of the person to operate the licensed business in a safe and competent manner.

(e) Any of the offenses specified in this subrule which results in sentencing after a plea of nolo contendere and for which the licensee is subject to the penalties in section 903 of the act. A certified copy of a conviction is prima facie evidence of a violation.

(3) THE PROVISIONS OF SUBRULES (1) AND (2) OF THIS RULE APPLY TO THE PERSON, THE OFFICER OF A CORPORATE ENTITY, THE STOCKHOLDER OF A PRIVATELY HELD CORPORATE ENTITY, OR THE MEMBER OR MANAGER OF A LIMITED LIABILITY ENTITY OF THE PERSON NAMED AS A PARTICIPANT ON THE LICENSEE'S PARTICIPATION PERMIT.

(3)(4) A licensee, or the clerk, servant, agent, or employee of the licensee, shall not hinder or obstruct a law enforcement officer or commission inspector or investigator in the course of making an investigation or inspection of the premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer or a commission inspector or investigator in the performance of his or her duties to enforce the act or commission rules.

(4)(5) A licensee, or the clerk, servant, agent, or employee of a licensee, shall not impersonate a commission employee, a commission investigator, or a law enforcement officer empowered to enforce the act or commission rules.

(5)(6) A licensee, or the clerk, servant, agent, or employee of the licensee, shall not do any of the following:

(a) Allow, on the licensed premises, the annoying or molesting of customers or employees by other customers or employees.

(b) Knowingly allow the licensed premises to be used by any person for the purposes of accosting or soliciting another person to commit prostitution.

(c) Allow, on the licensed premises, fights, brawls, or the improper use of firearms, knives, or other weapons.

(d) Allow the sale, possession, or consumption on the licensed premises of any controlled substances that are prohibited by Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. 1978 P.A. 368, MCL 333.1101 ET SEQ.

(e) Allow narcotics paraphernalia to be used, stored, exchanged, or sold on the licensed premises.

(6)(7) A retail licensee shall not sell any alcoholic liquor off the licensed premises, except as follows:

(a) An on-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1419.

(b) An off-premises licensee may deliver a preordered quantity of alcoholic liquor to a customer; however, the licensee shall not make a delivery to a customer on the campus of a 2- or 4-year college or university, unless the customer is licensed by the commission.

(c) An off-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1521.

~~R 436.1037 Licensee's interest in restaurant equipment or bar equipment business prohibited; exception.~~ RESCINDED.

~~Rule 37. A licensee shall not have a direct or indirect interest in the business or management of a restaurant equipment or bar equipment business, except upon prior written order of the commission.~~

R 436.1041 Obtaining a license for use or benefit of another.

Rule 41. (1) A licensee OR AN APPLICANT FOR A LICENSE shall not obtain OR ATTEMPT TO OBTAIN a license for the use or benefit of another person whose name does not appear on the license. IN ADDITION, ~~nor shall~~ a licensee SHALL NOT allow a person whose name does not appear on the license to use or benefit from the license.

(2) The provisions of subrule (1) of this rule do not apply to a participating agreement where the commission approves the participating agreement after a showing of good cause by the on-premise licensee or where a person not licensed by the commission receives 10% or less of the gross sales of the licensed business.

(3) THE PROVISIONS OF SUBRULE (1) OF THIS RULE DO NOT APPLY TO PERSONS APPROVED BY THE COMMISSION AND NAMED ON A PARTICIPATION PERMIT ISSUED TO THE LICENSEE. UPON WRITTEN REQUEST OF THE LICENSEE, THE COMMISSION MAY ISSUE A PARTICIPATION PERMIT TO A LICENSEE WHO MEETS ALL OF THE FOLLOWING QUALIFICATIONS:

(A) THE NON-LICENSED PERSON WHO RECEIVES USE OR BENEFIT FROM THE LICENSEE'S LICENSE OR WHO RECEIVES GROSS OR NET PROFITS FROM A LICENSED BUSINESS SHALL MEET THE SAME QUALIFICATIONS AS A LICENSEE AS PRESCRIBED BY R 436.1101.

(B) THE LICENSEE MAKES APPLICATION AND EITHER CANCELS AN EXISTING PARTICIPATION PERMIT OR RECEIVES A NEW PARTICIPATION PERMIT BEFORE ADDING OR DELETING ANY PARTICIPATING NON-LICENSED PERSON. FOR THE PURPOSES OF THIS SUBRULE, THE ADDITION OR DELETION OF A PARTICIPANT INCLUDES ANY OF THE FOLLOWING:

(I) TRANSFER OR TRANSFER OF INTEREST FROM 1 PERSON TO ANOTHER.

(II) THE TRANSFER IN THE AGGREGATE TO ANOTHER PERSON DURING ANY SINGLE LICENSING YEAR OF MORE THAN 10% OF THE OUTSTANDING STOCK OF A CORPORATE PARTICIPANT.

(III) THE TRANSFER OF MORE THAN 10% OF THE TOTAL INTEREST IN A PARTICIPANT WHICH IS A PARTNERSHIP.

(IV) THE TRANSFER OF MORE THAN 10% IN THE AGGREGATE OF THE MEMBERSHIP OF A LIMITED LIABILITY COMPANY.

R 436.1049 Transfer of license or corporate stock while an alleged violation is pending final disposition.

Rule 49. (1) If the licensee has been cited in a violation report, a transfer of a license shall not be completed ~~prior to~~ BEFORE final disposition of the alleged violation.

(2) If the licensee has been cited in a violation report, a transfer of more than 10% in the aggregate of the stock of a licensed corporation OR A TRANSFER OF 10% OR MORE IN THE AGGREGATE OF THE MEMBERSHIP IN A LIMITED LIABILITY COMPANY shall not be completed ~~prior to~~ BEFORE final disposition of the alleged violation.

(3) A LICENSEE SHALL NOT TRANSFER A LICENSE, TRANSFER AN INTEREST IN A LICENSE, OR REMOVE A LICENSE FROM ESCROW WITH THE COMMISSION UNTIL THAT LICENSEE HAS PAID ALL OUTSTANDING FINES, FEES, OR CHARGES LEVIED BY THE COMMISSION, EXCEPT UPON PRIOR WRITTEN ORDER OF THE COMMISSION.

R 436.1051 Notice of changes affecting control of privately held corporation.

Rule 51. (1) A privately held licensed corporation shall immediately notify the commission, in writing, of changes made in its officers or directors or of amendments made to the articles of incorporation.

(2) A LIMITED LIABILITY COMPANY SHALL IMMEDIATELY NOTIFY THE COMMISSION, IN WRITING, OF CHANGES MADE IN ITS MANAGERS OR ASSIGNEES OR OF AMENDMENTS MADE TO THE ARTICLES OF ORGANIZATION, OPERATING AGREEMENT, OR BY-LAWS.

**~~R 436.1057 Deliveries of beer or wine into state; license or approval of commission required.~~
RESCINDED.**

~~Rule 57. A person shall not deliver, ship, or transport into this state beer, wine, or spirits without a license authorizing such action, except in accordance with R 436.1722, or without the prior written approval of the commission.~~

R 436.1060 SERVER TRAINING; REQUIREMENTS.

RULE 60. (1) AS USED IN THIS RULE, ALL TERMS AND PHRASES SHALL HAVE THE SAME MEANING AS DEFINED IN SECTION 906(1) OF THE ACT.

(2) IF THE COMMISSION CONDITIONALLY APPROVES THE ISSUANCE OF A LICENSE FOR THE PURPOSE OF MEETING THE SERVER TRAINING REQUIREMENTS OF THAT APPROVAL, THEN THE TIME PERIOD ALLOWED FOR MEETING THE SERVER TRAINING REQUIREMENTS SHALL COMMENCE ON THE DATE THE LICENSE IS ISSUED.

(3) AN ADMINISTRATOR OF A SERVER TRAINING PROGRAM APPROVED BY THE COMMISSION SHALL ADMINISTER A COMPREHENSIVE EXAMINATION TO PARTICIPANTS OF THE PROGRAM, INCLUDING INDIVIDUALS SEEKING CERTIFICATION AS INSTRUCTORS WITHIN THE PROGRAM. THE EXAMINATION SHALL THOROUGHLY TEST THE INDIVIDUAL'S KNOWLEDGE AND COMPETENCY IN THE CURRICULUM TOPICS REQUIRED BY SECTION 906(6) OF THE ACT. THE MINIMUM PASSING GRADE FOR THE EXAMINATION, FOR INSTRUCTOR CERTIFICATION, AND FOR ALL OTHER PARTICIPANTS IN THE PROGRAM SHALL BE NOT LESS THAN 70%, BUT SHALL BE NOT LESS THAN 85% FOR INSTRUCTORS IF ADMINISTERED THE SAME EXAMINATION AS OTHER PARTICIPANTS IN THE PROGRAM. EXAMINATIONS ADMINISTERED IN OTHER THAN A WRITTEN FORM MUST BE APPROVED BY THE COMMISSION. EXAMINATION MAY BE PROCTORED BY SOMEONE OTHER THAN A CERTIFIED INSTRUCTOR OF THE SERVER TRAINING PROGRAM IF THE PROCTOR IS AN AGENT OF THE ADMINISTRATOR OF THE SERVER TRAINING PROGRAM AND IS ACCEPTABLE TO THE COMMISSION.

(4) IF SERVER TRAINING OR INSTRUCTOR TRAINING IS CONDUCTED BY THE ADMINISTRATOR OF A SERVER TRAINING PROGRAM APPROVED BY THE COMMISSION BY MEANS OTHER THAN CLASSROOM TRAINING, THEN THE ALTERNATIVE TRAINING METHOD MUST FIRST BE APPROVED BY THE COMMISSION.

(5) CERTIFICATION ISSUED BY THE ADMINISTRATOR OF AN APPROVED SERVER TRAINING PROGRAM FOR INSTRUCTORS AND OTHER PARTICIPANTS SHALL EXPIRE NOT MORE THAN 3 YEARS FROM THE DATE OF ISSUANCE.

(6) A LICENSEE, FOR PURPOSES OF MEETING THE REQUIREMENTS OF SECTION 906(10) OF THE ACT, SHALL HAVE EMPLOYED OR HAVE PRESENT ON THE LICENSED PREMISES ON EACH SHIFT AND DURING ALL HOURS ALCOHOLIC LIQUOR IS SERVED SUPERVISORY PERSONNEL WHO MAINTAIN ACTIVE, UNEXPIRED SERVER TRAINING CERTIFICATION OR CURRENT RECOGNITION BY A SERVER TRAINING PROGRAM APPROVED BY THE COMMISSION.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-034

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

LIQUOR CONTROL COMMISSION

LICENSING QUALIFICATIONS

Filed with the Secretary of State on
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(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1))

R 436.1105, R 436.1107, R 436.1109, R 436.1110, R 436.1117, R 436.1123, R 436.1129, R 436.1133, R 436.1135, R 436.1143, and R 436.1149 of the Michigan Administrative Code are amended as follows:

R 436.1105 Application for license; denial; grounds.

Rule 5. (1) An applicant for a license shall provide evidence in the application of, or demonstrate at a hearing, all of the following:

(a) If an individual, that the applicant is the legal age for the consumption of alcoholic liquor in this state; if a partnership, that all partners are the legal age for the consumption of alcoholic liquor in this state; if a privately held corporation, that all stockholders are the legal age for the consumption of alcoholic liquor in this state, unless the stock of the stockholders is held in a fiduciary relationship; or if a limited liability company, that all members are the legal age for the consumption of alcoholic liquor in this state.

(b) The existence of adequate legitimate and verifiable financial resources for the establishment and operation of the proposed licensed business in proportion to the type and size of the proposed licensed business.

(c) The existence of an adequate physical plant or plans for an adequate physical plant appropriate for the type and size of the proposed licensed business.

(d) That the location of the proposed licensed business shall adequately service the public.

(2) The commission shall consider all of the following factors in determining whether an applicant may be issued a license or permit:

(a) The applicant's management experience in the alcoholic liquor business.

(b) The applicant's general management experience.

(c) The applicant's general business reputation.

(d) The opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business.

(e) The applicant's moral character.

(f) The order in which the competing initial application forms are submitted to the commission; however, this subdivision shall not apply to an application for a resort license authorized by section 531 of 1998 P.A. 58,

MCL 436.1531 ~~Act No. 58 of the public acts of 1998, as amended, being §436.1531 of the Michigan Compiled Laws.~~

~~(g) Past criminal convictions of the applicant for crimes involving moral turpitude, violence, or alcoholic liquor.~~
PAST CONVICTIONS OF THE APPLICANT FOR ANY OF THE FOLLOWING:

(I) A FELONY.

(II) A CRIME INVOLVING THE EXCESSIVE USE OF ALCOHOLIC LIQUOR.

(III) A CRIME INVOLVING ANY OF THE FOLLOWING:

(A) GAMBLING.

(B) PROSTITUTION.

(C) WEAPONS.

(D) VIOLENCE.

(E) TAX EVASION.

(G) FRAUDULENT ACTIVITY.

(H) CONTROLLED SUBSTANCES.

(IV) A MISDEMEANOR OF SUCH A NATURE THAT IT MAY IMPAIR THE ABILITY OF THE APPLICANT TO OPERATE A LICENSED BUSINESS IN A SAFE AND COMPETENT MANNER.

(V) SENTENCING FOR ANY OF THE OFFENSES SPECIFIED IN THIS SUBRULE AFTER A PLEA OF NOLO CONTENDERE.

(h) The applicant's excessive use of alcoholic liquor.

(i) The effects that the issuance of a license would have on the economic development of the area.

(j) The effects that the issuance of a license would have on the health, welfare, and safety of the general public.

(3) An application for a new license, an application for any transfer of interest in an existing license, or an application for a transfer of location of an existing license shall be denied if the commission is notified, in writing, that the application does not meet all appropriate state and local building, plumbing, zoning, fire, sanitation, and health laws and ordinances as certified to the commission by the appropriate law enforcement officials. The commission may accept a temporary or permanent certificate of occupancy for public accommodation issued by the appropriate officials as evidence of compliance with this subrule.

~~(4) The commission shall not issue a license to a municipally owned facility, except if the municipality is a co-licensee or if the license is issued to a concessionaire of the municipality.~~

R 436.1107 Renewal of license.

Rule 7. (1) A license, ~~which~~ THAT is not in active operation, shall be placed in escrow with the commission. ~~The commission shall not renew a license placed in escrow until such time as the license is put into active operation.~~

(2) A licensee shall have only ~~1-year~~ 3 LICENSING YEARS after the expiration DATE of the ESCROWED license to ~~renew the license and~~ put the license into active operation, ~~except upon written order of the commission after a showing of good cause.~~ If the licensee fails to ~~renew~~ PUT the license INTO ACTIVE OPERATION within ~~1-year~~ 3 LICENSING YEARS after its expiration, ~~and the commission does not extend the length of time for renewal,~~ THEN all rights to the license shall terminate UNLESS THE COMMISSION HAS RECEIVED WRITTEN VERIFICATION THAT THE LICENSE OR AN INTEREST IN THE LICENSE IS THE SUBJECT OF LITIGATION OR ESTATE OR BANKRUPTCY PROCEEDINGS IN A COURT OF COMPETENT JURISDICTION.

(3) If the commission extends the length of time for which a licensee may renew the license DURING THE PENDENCY OF LITIGATION, OR ESTATE OR BANKRUPTCY PROCEEDINGS, THEN the licensee

shall pay the required license fee for each elapsed licensing year ~~prior to~~ BEFORE placing the license in active operation.

(4) ~~A licensee shall pay the required license fee prior to the commission's renewal of the license.~~ EXCEPT AS PROVIDED IN SUBRULE 3 OF THIS RULE, A LICENSE HELD IN ESCROW WITH THE COMMISSION SHALL BE RENEWED IN THE SAME MANNER AS AN ACTIVE LICENSE, INCLUDING PAYMENT OF ALL REQUIRED LICENSE FEES, EACH YEAR BY APRIL 30.

(5) A LICENSEE WHO PLACES A LICENSE IN ESCROW WITH THE COMMISSION SHALL BE RESPONSIBLE FOR PROVIDING THE COMMISSION WITH CURRENT CONTACT INFORMATION FOR ALL CORRESPONDENCE, INCLUDING THE NAME, MAILING ADDRESS, AND TELEPHONE NUMBER.

(6) NOT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THIS RULE, THE COMMISSION SHALL PROVIDE OR ATTEMPT TO PROVIDE EACH LICENSEE WHOSE LICENSE IS IN ESCROW WITH A COPY OF THIS RULE.

(7) A LICENSE THAT IS HELD IN ESCROW WITH THE COMMISSION ON THE EFFECTIVE DATE OF THIS RULE BEGINS THE 3-YEAR PERIOD ALLOWED BY SUBRULE (2) OF THIS RULE FOR A LICENSE TO BE HELD IN ESCROW ON THE EFFECTIVE DATE OF THIS RULE.

R 436.1109 Application for license by corporation; requirements.

Rule 9. (1) A corporation applying for a license shall file with the commission all of the following, as applicable:

(a) If incorporated outside of this state, a copy of its current articles of incorporation, a current certificate of good standing from the state of incorporation, AND A COPY OF THE AUTHORIZATION TO DO BUSINESS IN THIS STATE ISSUED BY THE MICHIGAN DEPARTEMENT OF CONSUMER AND INDUSTRY SERVICES.

(b) If a Michigan corporation, a copy of the current articles of incorporation as approved by the ~~corporation and securities bureau~~ MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

(c) A certified copy of the minutes of a meeting of its board of directors or ~~an affidavit~~ A STATEMENT signed by an officer of the corporation naming the persons authorized by corporate resolution to sign the application and other documents required by the commission.

(d) ~~An affidavit stating~~ A SIGNED STATEMENT PROVIDING the identity of its current corporate officers and the members of the board of directors.

(e) ~~An affidavit stating~~ A SIGNED STATEMENT INDICATING whether or not the corporation is a privately held corporation. If the corporation is a privately held corporation, then it shall also file, with the commission, ~~an affidavit stating~~ A SIGNED STATEMENT THAT INCLUDES all of the following information:

(i) The number of shares of stock that it has issued.

(ii) To whom the stock was issued.

(iii) The amount of stock issued to each stockholder.

(iv) The date of the issuance of the stock.

(v) The individual certificate numbers of the stock issued.

(2) The commission shall not renew a license of a corporation unless the corporate charter is current.

(2) THE COMMISSION SHALL SUSPEND THE LICENSE OF A CORPORATION WHOSE CORPORATE CHARTER IS NOT CURRENT.

~~(3)~~ (4) A corporate licensee applying for another license is required to meet the provisions of this rule only once if the licensee amends its filing to keep it current under this rule.

R 436.1110 Application for license by limited liability company; receipt of distributions by assignee of membership interest in company; approval for reorganization or realignment of company; transfer fee; notification of changes in managers, members, assignees, articles of organization, or operating agreement; investigation of company; company authorization to do business in state required.

Rule 10. (1) A limited liability company applying for a license shall file all of the following items with the commission, as applicable:

- (a) If a foreign limited liability company, a copy of the certificate of authority issued by the Michigan department of consumer and industry services.
- (b) If a domestic limited liability company, a copy of the articles of organization filed with the Michigan department of consumer and industry services.
- (c) A copy of the operating agreement or agreements or bylaws entered into by the members under ~~Act No. 23 of the Public Acts of 1993, being §450.4101 et seq. of the Michigan Compiled Laws 1993 P.A. 23, MCL 450.4101 ET SEQ.~~
- (d) A copy of any amendments to its articles of organization.
- (e) A copy of the most recent annual statement, if any, filed with the Michigan department of consumer and industry services.
- (f) ~~An affidavit stating~~ A SIGNED STATEMENT THAT INCLUDES the full ~~name and address~~ NAMES AND ADDRESSES of its current members, managers, and assignees of membership interest.
- (g) ~~An affidavit~~ A STATEMENT signed by a manager of the limited liability company or by at least 1 member if management is reserved to the members naming the person authorized to sign the application and other documents required by the commission. If a foreign limited liability company, a person who has the authority to sign under the laws of the jurisdiction of its organization shall sign the ~~affidavit~~ STATEMENT and shall indicate the capacity in which the person signs the ~~affidavit~~ STATEMENT.

(2) An assignee of any membership interest in a licensed limited liability company shall not receive the distributions to which the assignor would be entitled, unless the assignee has received the prior written approval of the commission.

(3) Any reorganization or realignment of a limited liability company within a single licensing year that results in a transfer of more than 10% of the total interest in the limited liability company is considered a transfer requiring prior approval of the commission under section 529 of ~~Act No. 58 of the Public Acts of 1998, as amended, being §436.1529 of the Michigan Compiled Laws 1998 P.A. 58, MCL 436.1529.~~

(2) A transfer, in the aggregate, of 50% or more of the total interest in a limited liability company during any licensing year shall, upon approval by the commission, require the payment of a transfer fee in accordance with section 529 of ~~Act No. 58 of the Public Acts of 1998, as amended, being §436.1529 of the Michigan Compiled Laws 1998 P.A. 58, MCL 436.1529.~~

(5) A licensed limited liability company shall immediately notify the commission, in writing, of any change in any of the following:

- (a) Managers.
- (b) Members.
- (c) Assignees of membership interest.
- (d) Articles of organization.
- (e) Operating agreement.

(6) The commission may investigate any transfer of interest in a limited liability company or any proposed member, manager, or assignee of membership interest in a limited liability company.

(7) A licensed limited liability company shall be authorized to do business under the laws of this state.

R 436.1117 Retail license; participating agreement.

Rule 17. (1) An applicant for a retail license or a retail licensee shall not enter into a participating agreement, except in either of the following situations:

- (a) If the commission approves the participating agreement after a showing of good cause by the applicant.
- (b) If the nonlicensee receives not more than 10% of the gross sales of the licensed business.

(2) The compensation included in a participating agreement ~~may~~ SHALL not be computed on the gross or net profits of the licensed business.

(3) THE PARTICIPATING AGREEMENT SHALL BE IN WRITING AND AVAILABLE FOR REVIEW BY THE COMMISSION.

R 436.1123 Resort license; minimum qualifications.

Rule 23. (1) An applicant for a resort license OR A RESORT ECONOMIC DEVELOPMENT LICENSE ~~which~~ THAT allows the consumption of alcoholic liquor on the premises shall meet ~~both~~ 1 of the following minimum qualifications:

- (a) The proposed licensed establishment shall ~~serve food and have dining~~

~~facilities to seat not less than 100 persons.~~ BE IN COMPLIANCE WITH ALL OF THE FOLLOWING PROVISIONS:

(I) BE A FULL SERVICE RESTAURANT THAT IS OPEN TO THE PUBLIC AND PREPARES FOOD ON THE PREMISES.

(II) HAVE DINING FACILITIES TO SEAT NOT LESS THAN 100 PATRONS UNLESS EXEMPTED UNDER SECTION 531(3) OF 1998 P.A. 58, MCL 436.1531 (3).

(III) BE OPEN FOR FOOD SERVICE NOT LESS THAN 5 HOURS PER DAY, 5 DAYS PER WEEK.

(IV) NOT LESS THAN 50% OF THE GROSS RECEIPTS OF THE BUSINESS ARE DERIVED FROM THE SALE OF FOOD AND BEVERAGES FOR CONSUMPTION ON THE PREMISES, NOT INCLUDING THE SALE OF ALCOHOLIC LIQUOR.

- (b) The proposed licensed establishment ~~shall offer 1 of the following:~~

~~(i) Some type of recreational or entertainment activity on the premises or, in the alternative, some type of recreational or entertainment activity which is available to the public in close proximity to the proposed licensed establishment.~~

~~(ii) Sleeping facilities, meeting or conference rooms, or convention facilities.~~ HAS SLEEPING FACILITIES WITH A MINIMUM OF 25 BEDROOMS, MEETING OR CONFERENCE ROOMS CAPABLE OF ACCOMMODATING NOT LESS THAN 200 PATRONS, OR CONVENTION FACILITIES CAPABLE OF ACCOMMODATING NOT LESS THAN 200 PERSONS.

(C) THE PROPOSED LICENSED ESTABLISHMENT IS A SPORTS/ENTERTAINMENT VENUE.

(D) THE PROPOSED LICENSED ESTABLISHMENT IS LOCATED ON A GOLF COURSE WHICH IS OPEN TO THE PUBLIC AND WHICH HAS NOT LESS THAN 18 HOLES THAT, IN TOTAL, MEASURE NOT LESS THAN 5000 YARDS.

(2) An applicant for a resort license OR RESORT ECONOMIC DEVELOPMENT LICENSE shall submit 2 pictures, measuring 5 inches by 7 inches, to the commission if the application is for a completed building. One picture shall show the interior of the proposed licensed establishment and 1 picture shall show the exterior of the proposed licensed establishment. If the application is made for a proposed licensed establishment which is still to be constructed, THEN the applicant shall submit 1 copy of the floor plan of the proposed licensed establishment.

R 436.1129 Specially designated merchant license; issuance and transfer; limitation; waiver; applicability.

Rule 29. (1) For the issuance of a new, or the transfer of location of an existing, specially designated merchant license, all of the following are approved types of businesses:

- (a) A grocery store.
- (b) A party store.
- (c) A food specialty store.
- (d) A meat market.
- (e) A delicatessen.
- (f) A drugstore.
- (g) A patent medicine store.
- (h) A tobacconist.
- (i) A florist.
- (j) A department store that includes 1 or more of the stores listed in subdivisions (a) to (i) of this subrule.
- (k) A specially designated distributor.
- (l) A class C.
- (m) A class B hotel.
- (n) A club.
- (o) A tavern.
- (p) A class A hotel licensed establishment.

(2) The commission shall not issue a new, or transfer location of an existing, specially designated merchant license to an applicant operating an approved type of business who also holds, or a partner or stockholder of an applicant who holds, an interest, directly or indirectly, in a nonapproved type of business on, or contiguous to, the proposed licensed premises, unless 50% or more of the combined monthly gross sales of the approved and nonapproved businesses are of goods and services customarily marketed by the approved type of business. For the purposes of this subrule, combined monthly gross sales are sales exclusive of all taxes collected by a retailer on sales and are computed for an accounting period of not less than 180 consecutive days. The commission may approve an application under this rule subject to the condition that the applicant shall demonstrate compliance with this subrule at the end of the 180-day accounting period. The commission shall cancel the license if the licensee has failed to comply with the provisions of this subrule at the end of the 180-day accounting period.

(3) The commission shall not issue a specially designated merchant license to any of the following entities and shall not allow any of the following entities to change the nature of an existing business that has a specially designated merchant license:

- (a) An applicant who owns gasoline pumps which are at the same location as, which are operated in conjunction with, or which are a part of, the proposed licensed business.
- (b) An applicant who holds any financial interest, directly or indirectly, in gasoline pumps in the establishment, maintenance, operation, or promotion of the sale of gasoline at the proposed location of, in conjunction with, or as a part of, the proposed licensed business.
- (c) An applicant who holds any interest, directly or indirectly, by ownership in fee, leasehold, mortgage, or otherwise, in the establishment, maintenance, operation, or promotion of the sale of gasoline at the proposed location of, in conjunction with, or as a part of, the proposed licensed business.
- (d) An applicant who holds any interest, directly or indirectly, through interlocking stock ownership in a corporation or through interlocking directors in a corporation engaged in the establishment, maintenance,

operation, or promotion of the sale of gasoline at the proposed location of, in conjunction with, or as a part of, the proposed licensed business.

(e) An applicant at any location at which gasoline is sold or offered for sale by any person, whether or not the applicant has any interest or derives any profit from the sale.

(4) In a city, incorporated village, or township that has a population of 3,000 or fewer people, the commission may, in its discretion, waive the provisions of subrules (1), (2), and (3) of this rule if the applicant for a license has and maintains a minimum inventory on the premises, excluding alcoholic liquor, of not less than \$10,000.00, at cost, of the goods and services customarily marketed by approved types of businesses. The commission shall accept the means prescribed in R 436.1141(1) as a method for determining the population of a city, incorporated village, or township.

(5) In a township which is comprised of 72 square miles or more and which has a population of ~~7,000~~ 7,500 or fewer people, the commission may, in its discretion, waive the provisions of subrule (3) of this rule if the applicant for a license has and maintains a minimum inventory on the premises, excluding alcoholic liquor, of not less than \$10,000.00, at cost, of the goods and services customarily marketed by approved types of businesses.

(6) The commission shall not issue a specially designated merchant license to an applicant who operates a drive-in or drive-through establishment and shall not allow an applicant who operates a drive-in or drive-through establishment to change the nature of an existing business that has a specially designated merchant license.

(7) THE COMMISSION SHALL NOT ISSUE A SPECIALLY DESIGNATED MERCHANT LICENSE TO AN APPLICANT WHO OPERATES A DRIVE-UP OR WALK-UP WINDOW FOR THE SALE OF ALCOHOLIC LIQUOR AT THE PROPOSED LOCATION AND SHALL NOT ALLOW A PERSON WHO HOLDS A SPECIALLY DESIGNATED MERCHANT LICENSE TO CHANGE THE NATURE OF THE EXISTING LICENSED BUSINESS TO INCLUDE A DRIVE-UP OR WALK-UP WINDOW WHICH PERMITS THE SALE OF ALCOHOLIC LIQUOR THROUGH THE DRIVE-UP OR WALK-UP WINDOW.

~~(7)~~ (8) This rule does not apply to the renewal of an existing specially designated merchant license that is in operation before the effective date of this rule and does not apply to a new specially designated merchant license or the transfer of location of a specially designated merchant license conditionally approved by the commission before the effective date of this rule.

R 436.1133 SDD license; prohibited issuance or transfer.

Rule 33. An application for a new specially designated distributor license or for the transfer of location of an existing specially designated distributor license shall not be approved by the commission if there is an existing specially designated distributor license located within 2,640 feet of the proposed site. The method of measurement shall be as prescribed in section ~~17a of Act No. 8 of the Public Acts of the Extra Session of 1933 as amended, being §436.17a of the Michigan Compiled Laws~~ 503 OF 1998 P.A. 58, MCL 436.1503. This rule may be waived by the commission for ANY of the following reasons:

(a) If the existing specially designated distributor has purchased less than \$10,000.00 in spirits from the commission during the last full calendar year.

(b) If the existing specially designated distributor has a B-hotel or A-hotel license.

(c) If the proposed location and the existing specially designated distributor's licensed establishment are separated by a major thoroughfare of not less than 4 lanes of traffic.

(d) If the proposed licensed establishment is located in a neighborhood shopping center which does not have an existing specially designated distributor's licensed establishment and if the proposed licensed establishment is located not less than 1,000 feet from any existing specially designated distributor's licensed establishment. The

method of measurement shall be as prescribed in section ~~17a of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.17a of the Michigan Compiled Laws 503 of 1998 P.A. 58, MCL 436.1503.~~

(e) If an existing specially designated distributor licensee is located within 2,640 feet of 1 or more existing specially designated distributor licensees and requests a transfer of location, which location is within 2,640 feet of the same existing specially designated distributor licensee or licensees, upon a showing of good cause by the licensee who is requesting the transfer of location.

(F) IF THE COMMISSION RECEIVES A WRITTEN WAIVER OF OBJECTION FROM EACH EXISTING SPECIALLY DESIGNATED DISTRIBUTOR LICENSEE LOCATED WITHIN 2,640 FEET OF THE PROPOSED SITE.

R 436.1135 Specially designated distributor license; limitations upon issuance or transfer; waiver; applicability.

Rule 35. (1) For the issuance of a new, or the transfer of location of an existing, specially designated distributor license, all of the following are approved types of businesses:

- (a) A grocery store.
- (b) A party store.
- (c) A food specialty store.
- (d) A meat market.
- (e) A delicatessen.
- (f) A drugstore.
- (g) A patent medicine store.
- (h) A tobacconist.
- (i) A florist.
- (j) A department store that includes 1 or more of the stores listed in subdivisions (a) to (i) of this subrule.
- (k) A hotel.

(2) The commission shall not issue a new, or transfer location of an existing, specially designated distributor license to an applicant operating an approved type of business who also holds, or a partner or stockholder of the applicant who holds, an interest, directly or indirectly, in a nonapproved type of business on, or contiguous to, the proposed licensed premises, unless 60% or more of the combined monthly gross sales of the approved and nonapproved businesses are of goods and services customarily marketed by the approved type of business. For the purposes of this subrule, combined monthly gross sales are exclusive of all taxes collected by a retailer on sales and are computed for an accounting period of not less than 180 consecutive days. The commission may approve an application under this rule subject to the condition that the applicant shall demonstrate compliance with this subrule at the end of the 180-day accounting period. The commission shall cancel the license if the licensee has failed to comply with the provisions of this subrule at the end of the 180-day accounting period.

(3) The commission shall not issue a specially designated distributor license to any of the following entities and shall not allow any of the following entities to change the nature of an existing business that has a specially designated distributor license:

- (a) An applicant who owns gasoline pumps which are at the same location as, which are operated in conjunction with, or which are a part of, the proposed licensed business.
- (b) An applicant who holds any financial interest, directly or indirectly, in the establishment, maintenance, operation, or promotion of the sale of gasoline at the proposed location of, in conjunction with, or as a part of, the proposed licensed business.

(c) An applicant who holds any interest, directly or indirectly, by ownership in fee, leasehold, mortgage, or otherwise, in the establishment, maintenance, operation, or promotion of the sale of gasoline at the proposed location of, or in conjunction with, or as a part of, the proposed licensed business.

(d) An applicant who holds any interest, directly or indirectly, through interlocking stock ownership in a corporation or through interlocking directors in a corporation engaged in the establishment, maintenance, operation, or promotion of the sale of gasoline at the proposed location of, in conjunction with, or as a part of, the proposed licensed business.

(e) An applicant at any location at which gasoline is sold or offered for sale by any person, whether or not the applicant has any interest or derives any profit from the sale.

(4) In a city, incorporated village, or township that has a population of 3,000 or fewer people, the commission may, in its discretion, waive the provisions of subrules (1), (2) and (3) of this rule if the applicant for a license has and maintains a minimum inventory on the premises, excluding alcoholic liquor, of not less than \$12,500.00, at cost, of the goods and services customarily marketed by approved types of businesses. The commission shall accept the means prescribed in R 436.1141(1) as a method for determining the population of a city, incorporated village, or township.

(5) IN A TOWNSHIP WHICH IS COMPRISED OF 72 SQUARE MILES OR MORE AND WHICH HAS A POPULATION OF 7,500 OR FEWER PEOPLE, THE COMMISSION MAY, IN ITS DISCRETION, WAIVE THE PROVISIONS OF SUBRULE (3) OF THIS RULE IF THE APPLICANT FOR A LICENSE HAS AND MAINTAINS A MINIMUM INVENTORY ON THE PREMISES, EXCLUDING ALCOHOLIC LIQUOR, OF NOT LESS THAN \$12,500.00, AT COST, OF THE GOODS AND SERVICES CUSTOMARILY MARKETING BY APPROVED TYPES OF BUSINESSES. THE COMMISSION SHALL ACCEPT THE MEANS PRESCRIBED IN R 436.1141(1) AS THE METHOD FOR DETERMINING THE POPULATION OF A TOWNSHIP.

(6) Subrules (1), (2), (3), ~~and (4)~~ (4), (5), AND (10) of this rule do not apply to the renewal of an existing specially designated distributor license in operation before the effective date of this rule and do not apply to a new specially designated distributor license or the transfer of location of a specially designated distributor license conditionally approved by the commission before the effective date of this rule.

~~(6)~~ (7) The commission shall not approve the transfer of location of a specially designated distributor license outside the governmental unit for which it was issued, except upon a showing of good cause by the applicant.

~~(7)~~ (8) Upon a showing of good cause by the applicant, the commission may, in its discretion, waive the quota restrictions of R 436.1141 if all of the following conditions are met:

(a) The applicant is in a city, incorporated village, or township that has a population of 3,000 or fewer people. The commission shall accept the means prescribed in R 436.1141(1) as a method for determining the population of a city, incorporated village, or township.

(b) The only existing specially designated distributor license is held in conjunction with a class A or class B hotel license.

(c) The commission may grant only 1 waiver of quota restrictions in a city, incorporated village, or township.

~~(8)~~ (9) The commission shall not issue a specially designated distributor license to an applicant who operates a drive-in or drive-through establishment and shall not allow the applicant to change the nature of an existing business that has a specially designated distributor license.

(10) THE COMMISSION SHALL NOT ISSUE A SPECIALLY DESIGNATED DISTRIBUTOR LICENSE TO AN APPLICANT WHO OPERATES A DRIVE-UP OR WALK-UP WINDOW FOR THE SALE OF ALCOHOLIC LIQUOR AT THE PROPOSED LOCATION AND SHALL NOT ALLOW A PERSON WHO HOLDS A SPECIALLY DESIGNATED DISTRIBUTOR LICENSE TO CHANGE THE NATURE OF THE EXISTING LICENSED BUSINESS TO INCLUDE A DRIVE-UP OR WALK-UP

WINDOW WHICH PERMITS THE SALE OF ALCOHOLIC LIQUOR THROUGH THE DRIVE-UP OR WALK-UP WINDOW.

R 436.1143 SDD license; transfer of location.

Rule 43. An applicant who requests a transfer of location of an existing specially designated distributor license into an area in which there are applications for new specially designated distributor licenses on file with the commission shall not be given priority if the proposed transfer of location is within 2,640 feet of the location of the establishments proposed by the new applicants. The method of measurement shall be as prescribed in section ~~17-a of the act~~ 503 OF 1998 P.A. 58, MCL 436.1503.

R 436.1149 Class C or SDD license; hardship transfer.

Rule 49. (1) The commission shall not consent to a hardship transfer of class C or specially designated distributor licenses under section ~~17 of the act~~ 501(2) OF 1998 P.A. 58, MCL 436.1501(2) if the hardship shown by the licensee existed when the license was issued, except upon a showing of good cause.

(2) A person who has been granted approval for a hardship transfer of A class C or specially designated distributor licenses under section ~~17 of the act~~ 501(2) OF 1998 P.A. 58, MCL 436.1501(2) shall be prohibited from holding such classes of licenses for a period of 5 years thereafter, as either an individual, partner, or stockholder, except upon a showing of good cause.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-035

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

LIQUOR CONTROL COMMISSION

ADVERTISING

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1))

R 436.1313 and R 436.1321 of the Michigan Administrative Code are amended as follows:

R 436.1313 Inside advertising signs and displays.

Rule 13. ~~(1) Except as provided for in this rule, a retail licensee shall ensure that an advertising sign for alcoholic liquor that is used inside the licensee's premises is an unilluminated sign that does not have a total area of more than 3,500 square inches.~~

~~(2) The total area of any other sign that is attached to, or a necessary part of, a sign is included in the 3,500 square inches limitation.~~

~~(3) (1) A VENDOR sports/entertainment venue may utilize illuminated advertising signs FOR ALCOHOLIC LIQUOR. and advertising signs that have a total area of more than 3,500 square inches in the arena area, concourse area, or private suite areas.~~

(2) AN ON-PREMISES LICENSEE OR AN OFF-PREMISES LICENSEE MAY PURCHASE, POSSESS, AND INSTALL ILLUMINATED ADVERTISING SIGNS FOR ALCOHOLIC LIQUOR ON THE LICENSED PREMISES.

~~(4) (3) Any of the following entities may provide and install illuminated advertising signs for alcoholic liquor: and advertising signs that have a total area of more than 3,500 square inches per sign inside the arena area, concourse area, or private suite areas of a sports/entertainment venue as defined by R 436.1001(s):~~

- (a) A brewer.
- (b) A micro brewer.
- (c) A wine maker.
- (d) A small wine maker.
- (e) outstate seller of beer.
- (f) An outstate seller of wine.
- (g) An outstate seller of mixed spirit drink.
- (h) A manufacturer of spirits.
- (i) A manufacturer of mixed spirit drink.
- (j) A vendor of spirits.

(4) A WHOLESALER OR ITS LICENSED SALESPERSONS SHALL NOT PROVIDE, INSTALL, MAINTAIN, REPAIR, STORE, SERVICE, OR DELIVER ILLUMINATED ADVERTISING SIGNS FOR ALCOHOLIC LIQUOR.

R 436.1321 Contests and advertising articles.

Rule 21. (1) There shall not be advertising of alcoholic liquor connected with offering a prize or award on the completion of a contest, except upon prior written approval of the commission.

(2) Spirits shall not be advertised on the premises of a retail licensee, except as provided in these rules or upon prior written approval of the commission.

(3) There shall not be advertising of alcoholic liquor on anything which has any value, use, or purpose other than the actual advertising value, except upon written order of the commission.

(4) Advertising material which does not contain the name of a retail licensee and does not have a secondary value, but explains the production, sale, or consumption of alcoholic liquor may be published and distributed in this state.

(5) Alcoholic liquor recipe literature which does not contain the name of a retail licensee may be published and distributed in this state.

(6) All gambling devices, including punch boards and games of any description used for advertising purposes, are prohibited.

(7) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler may sell novelty items bearing brand logo type, upon written order of the commission. These novelty items shall not be sold below their cost by the manufacturer, outstate seller of beer, outstate seller of wine, or wholesaler.

(8) A licensee licensed to sell alcoholic liquor for consumption on the premises shall not sell, give, or furnish to anyone, novelty items bearing ALCOHOLIC LIQUOR brand logo type on the licensed premises; nor shall the licensee use novelty items BEARING ALCOHOLIC LIQUOR BRAND LOGO TYPE on the licensed premises except upon written order of the commission.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-036

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

LIQUOR CONTROL COMMISSION

ON-PREMISES LICENSES

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1)

R 436.1407 of the Michigan Administrative Code is amended and R 436.1410 and R 436.1440 are added to the Code as follows:

R 436.1407 TEMPORARY ENTERTAINMENT, DANCE, OR DANCE ENTERTAINMENT PERMITS; APPROVAL.

Rule 7. (1) The commission may issue up to 12 daily temporary dance, entertainment, or dance entertainment permits to a licensee each calendar year upon written request of the licensee and approval of the chief law enforcement officer who has jurisdiction.

(2) THE COMMISSION MAY ISSUE UP TO 12 DAILY TEMPORARY TOPLESS ACTIVITY PERMITS TO A LICENSEE EACH CALENDAR YEAR UPON WRITTEN REQUEST OF THE LICENSEE, APPROVAL OF THE CHIEF LAW ENFORCEMENT OFFICER WHO HAS JURISDICTION, AND THE APPROVAL OF THE LOCAL LEGISLATIVE BODY OF THE JURISDICTION WITHIN WHICH THE PREMISES ARE LOCATED.

R 436.1410 Entertainers or employees engaged in topless activity.

RULE 10. AN ON-PREMISES LICENSEE SHALL NOT ALLOW TOPLESS ACTIVITY, AS DEFINED IN SECTION 916(11)(B) OF 1998 P.A. 58, MCL 436.1916(11)(B), ON THE LICENSED PREMISES UNLESS ALL OF THE FOLLOWING CONDITIONS ARE MET:

(A) THE LICENSEE HAS A VALID PERMIT ISSUED BY THE COMMISSION WHICH ALLOWS TOPLESS ACTIVITY.

(B) THE PERSON PERFORMING ANY TOPLESS ACTIVITY IS ON A STAGE OR PLATFORM NOT LESS THAN 18 INCHES ABOVE THE IMMEDIATE FLOOR LEVEL AND IS REMOVED NOT LESS THAN 3 FEET FROM THE NEAREST PATRON AT ALL TIMES DURING A PERFORMANCE.

(C) A PERSON PERFORMING ANY TOPLESS ACTIVITY IS NOT PERMITTED TO MAKE PHYSICAL CONTACT WITH A PATRON AND A PATRON IS NOT PERMITTED TO MAKE PHYSICAL CONTACT WITH THE PERSON PERFORMING ANY TOPLESS ACTIVITY DURING THE TOPLESS ACTIVITY.

R 436.1440 REMOVAL OF LIQUOR FROM PREMISES PROHIBITED.

RULE 40. AN ON-PREMISES LICENSEE SHALL NOT ALLOW A CUSTOMER TO REMOVE AN OPEN CONTAINER OF ALCOHOLIC LIQUOR OR ANY ALCOHOLIC LIQUOR SOLD FOR CONSUMPTION ON THE PREMISES FROM THE LICENSED PREMISES.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-037

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

LIQUOR CONTROL COMMISSION

OFF-PREMISES LICENSES

Filed with the Secretary of State on
This rescission takes effect 7 days after filing with the Secretary of State

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1))

R 436.1505 of the Michigan Administrative Code is rescinded:

R 436.1505—~~Price book~~ Rescinded.

~~Rule 5. An off premise licensee who is licensed to sell spirits shall conspicuously place upon the licensed premises, for public use, the current printed price book furnished by the commission.~~

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-038

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

LIQUOR CONTROL COMMISSION

WINES

Filed with the Secretary of State on
This rule takes effect 7 days after filing with the Secretary of State

(By authority conferred on the liquor control commission by sections 215(1) and 301 of 1998 P.A. 58, MCL 436.1215(1) and MCL 436.1301)

R 436.1705 of the Michigan Administrative Code is amended as follows:

R 436.1705 Outstate sellers of wine.

Rule 5. (1) A person shall be a holder of the required basic permit issued under the federal alcoholic administration act, 27 U.S.C. §201 et seq., before being issued an outstate seller of wine license.

(2) An outstate seller of wine license may be issued to any of the following entities pursuant to these rules and the act:

(a) A person who is located in the United States, who imports foreign wine, and who sells ~~this~~ THE foreign wine in this state.

(b) A person who is located outside of this state, but in the United States, and who ships and sells bulk wine to licensed Michigan manufacturers for blending, rectifying, or nonbeverage purposes or bottled wine directly to a minister, priest, or rabbi for sacramental purposes.

(c) A person who is located outside of this state, but in the United States, and who bottles wine manufactured by another person. ~~This~~ THE person shall have a certificate or affidavit of identity from the manufacturer. ~~This~~ THE licensed person shall be responsible for the quality of wine shipped into and sold in this state.

(d) A manufacturer which is located outside of this state, but in the United States, and which produces and bottles its own wine.

(e) A person who is located in the United States and who is designated by the manufacturer of wine as its sole and exclusive sales agent in the United States. A person who is issued an outstate seller of wine license under the provisions of this subdivision shall be responsible for the quality of wine shipped into and sold in this state.

(f) A person who is located in the United States and who purchases wine from a manufacturer of wine or brand owner located outside of this state, but in the United States, if the total amount of wine imported into this state that is manufactured by that outstate manufacturer of wine or brand owner is 150,000

liters or less per calendar year. The outstate seller shall be responsible for the quality of wine shipped into and sold in this state. A person who obtains an outstate seller of wine license pursuant to this subdivision, or who imports wine pursuant to this subdivision, and who holds a wholesale license shall pay cash at the time of purchase for importation.

(G) A PERSON WHO IS LOCATED IN THIS STATE, WHO IMPORTS FOREIGN WINE INTO THIS STATE FOR DISTRIBUTION ONLY TO MEMBERS OF A NONPROFIT WINE APPRECIATION GROUP OR ASSOCIATION WHICH IS INCORPORATED UNDER THE LAWS OF THIS STATE AND WHICH MEETS ALL OF THE FOLLOWING QUALIFICATIONS:

(I) THE GROUP OR ASSOCIATION IS NOT ORGANIZED FOR A COMMERCIAL OR BUSINESS PURPOSE.

(II) A MEMBER, OFFICER, AGENT, OR EMPLOYEE OF THE GROUP OR ASSOCIATION IS NOT PAID DIRECTLY OR INDIRECTLY, IN THE FORM OF SALARY OR OTHER COMPENSATION, PROFITS FROM THE IMPORTATION OR DISTRIBUTION OF WINE IMPORTED UNDER THIS LICENSE.

(III) ALL MEMBERS OF THE GROUP OR ASSOCIATION ARE NOT LESS THAN 21 YEARS OF AGE.

(IV) THE WINE IS DISTRIBUTED TO INDIVIDUAL MEMBERS ONLY FOR THEIR PERSONAL CONSUMPTION AND THE WINE MAY NOT BE GIVEN, SOLD, OR OTHERWISE FURNISHED TO ANY OTHER VENDOR OR ANY OTHER PERSON.

(V) THE GROUP OR ASSOCIATION DOES NOT IMPORT AND DISTRIBUTE TO ITS MEMBERS ANY BRAND OF WINE FOR WHICH A REGISTRATION NUMBER OF APPROVAL HAS BEEN ISSUED BY THE COMMISSION PURSUANT TO THE REQUIREMENTS OF R 436.1719(1)(C).

(VI) THE GROUP OR ASSOCIATION HAS A BUSINESS ADDRESS WHERE ALL WINE IS RECEIVED AND STORED AND WHERE ALL BUSINESS RECORDS AND A COMPLETE LISTING OF ALL MEMBERS IS MAINTAINED.

(VII) THE GROUP OR ASSOCIATION PAYS ALL APPROPRIATE TAXES REQUIRED BY THE CODE AND ALL APPROPRIATE SALES OR USE TAXES REQUIRED BY THE LAWS OF THIS STATE.

(VIII) THE GROUP OR ASSOCIATION IMPORTS AND DISTRIBUTES TO ITS MEMBERS NOT MORE THAN 18,000 LITERS OF WINE DURING ANY CALENDAR YEAR.

(3) AN OUTSTATE SELLER OF WINE LICENSED UNDER THE PROVISIONS OF SUBRULE (2)(G) OF THIS RULE IS NOT REQUIRED TO MEET THE REGISTRATION REQUIREMENTS OF R 436.1719(1)(C) AND (4) FOR WINE IMPORTED INTO THIS STATE FOR DISTRIBUTION ONLY TO MEMBERS OF THE LICENSED GROUP OR ASSOCIATION.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-039

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

LIQUOR CONTROL COMMISSION

HEARING AND APPEAL PRACTICE

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), section 230 of 1965 PA 380, MCL 16.330, and section 33 of 1969 PA 306, MCL 24.233)

R 436.1901, R 436.1905, R 436.1907, R 436.1910, R 436.1911, R 436.1913, R 436.1915, R 436.1917, R 436.1921, R 436.1923, R 436.1925, and R 436.1931 of the Michigan Administrative Code are amended as follows:

R 436.1901 Definitions.

Rule 1. (1) AS USED IN THESE RULES:

(A) “Act” means ~~Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.1~~ 1998 P.A. 58, MCL 436.1101 ET SEQ.

(B) “DULY AUTHORIZED AGENT” MEANS A PERSON DESIGNATED BY THE CHAIRPERSON PURSUANT TO SECTIONS 903(3) AND (4) OF THE ACT TO HEAR VIOLATION CASES.

~~(2)~~ (3) The terms defined in the act and in the general rules of the commission have the same meaning when used in these rules.

R 436.1905 Violations; violation report; complaint; notice of hearing.

Rule 5. (1) Alleged violations of the act or commission rules shall be stated on a violation report form and shall be submitted to the ~~licensing and enforcement~~ EXECUTIVE SERVICES division of the commission.

(2) A complaint specifying the particular section of the act or commission rules allegedly violated by the licensee may be prepared for the licensing and enforcement division at the direction of an assistant attorney general.

(3) Each complaint shall be assigned a number which shall be placed on all papers filed in the proceedings.

(4) The complaint shall be served by the ~~licensing and enforcement~~ EXECUTIVE SERVICES division on the licensee in person or by mail to the licensed address not less than 20 days before the scheduled hearing date. The licensed address shall be the address of the licensed establishment unless the licensee has submitted, in writing, to the commission, a different address for the receipt of mail. The complaint shall advise the licensee of the licensee's right to request a copy of the violation report.

(5) Notice of hearing on a complaint which indicates the date scheduled for the hearing shall be served by the ~~licensing and enforcement~~ EXECUTIVE SERVICES division on the licensee at the address of the licensee as specified in subrule (4) OF THIS RULE not less than 10 days before the date of hearing.

- (6) The hearing notice shall advise the licensee of the licensee's right to be represented by an attorney at the hearing.
- (7) The complaint and notice of hearing on the complaint shall be substantially in accordance with forms prescribed by the commission.

R 436.1907 Waiver of hearing; acknowledgment of violation.

Rule 7. (1) A licensee who is cited in a complaint for an alleged violation of the act or commission rules may waive the right to a hearing on the complaint and acknowledge the violation or violations specified in the complaint.

(2) The waiver and acknowledgment constitute an authorization to the hearing commissioner OR DULY AUTHORIZED AGENT to enter, without a hearing, an order which the hearing commissioner OR DULY AUTHORIZED AGENT deems appropriate.

(3) The waiver of the right to hearing and acknowledgment of the violation shall be on the reverse side of the complaint form and as prescribed by the commission. The waiver and acknowledgment form shall provide that the licensee may explain, on a separate sheet of paper, any mitigating circumstances which the licensee believes should be considered in disposing of the violation.

R 436.1910 Violation rehearing.

Rule 10. (1) After a violation hearing, a licensee who alleges new evidence may request a rehearing before the hearing commissioner OR DULY AUTHORIZED AGENT who issued the original order. A request for a rehearing shall be submitted in writing to the commission in Lansing within 20 days after the date of the mailing of the original order.

(2) If a request for a rehearing in a violation matter is granted by the hearing commissioner OR DULY AUTHORIZED AGENT, THEN the licensee or the licensee's attorney of record shall be notified of the rehearing not less than 10 days ~~prior to~~ BEFORE the date of the rehearing.

R 436.1911 Costs.

Rule 11. ~~Where~~ IF the hearing commissioner renders a decision that a violation occurred, the hearing commissioner OR DULY AUTHORIZED AGENT may assess actual costs of the proceeding against the licensee.

R 436.1913 Personal appearance of licensee.

Rule 13. (1) At least 1 of the following entities shall personally appear at a violation hearing, as applicable:

- (a) The individual licensee.
- (b) A co-licensee.
- (c) A partner of a partnership licensee.
- (d) An officer of a corporate licensee.
- (e) A member or manager of a limited liability company.

(2) Subrule (1) of this rule may be waived by the hearing commissioner OR DULY AUTHORIZED AGENT if a formal appearance has been filed by an attorney-at-law in good standing in this state.

R 436.1915 Failure to personally appear at violation hearings.

Rule 15. (1) If a proper appearance by a licensee is not made at a scheduled violation hearing in accordance with R 436.1913, THEN the presiding hearing commissioner OR DULY AUTHORIZED AGENT may DO ANY OF THE FOLLOWING:

- (a) Grant an adjournment without testimony being taken.
 - (b) Order testimony taken and then adjourn the proceedings until rescheduled.
 - (c) Order the immediate suspension of the license until a proper appearance is made at a rescheduled hearing.
 - (d) Issue a decision of default.
 - (e) Proceed with the hearing and render a decision.
- (2) If an adjournment is granted after testimony is taken and the licensee, at a rescheduled hearing, desires to cross-examine the commission witnesses who have already testified, THEN the commission witnesses shall be produced by, and at the expense of, the licensee under the provisions of the commission rules.

R 436.1917 Violation appeal hearings; appeal board.

Rule 17. (1) A licensee aggrieved by an order of a hearing commissioner OR DULY AUTHORIZED AGENT as a result of a complaint may request a violation appeal hearing which may be granted at the discretion of the appeal board.

(2) The violation appeal board consists of the 3 administrative commissioners who shall conduct violation appeal hearings.

(3) A request for a violation appeal hearing shall identify the date of the violation hearing, the order which was issued as a result of the violation hearing, and the licensee's reasons for requesting an appeal.

(4) The request for a violation appeal hearing shall consist of 4 copies which shall be sent, by certified mail, to the Lansing office of the commission accompanied by a check or money order for \$25.00 within 20 days from the date of the mailing of the order from which the appeal is taken.

(5) An appeal based on a claim of error shall specify all findings of fact and conclusions of law claimed to be erroneous, with a brief statement of the grounds for claiming error.

(6) A request for a violation appeal hearing, which is sent to the commission after 20 days from the date of the mailing of the order from which the appeal is taken, may be granted in the discretion of the commission if the delay is not due to the culpable negligence of the licensee appellant.

(7) An answer to a request for an appeal from a violation may be prepared by an assistant attorney general ~~prior to~~ BEFORE the date of the appeal hearing.

R 436.1921 Violation appeal hearings; burden of proceeding.

Rule 21. (1) Violation appeal hearings which are granted by the appeal board shall be limited to the official record of the original hearing.

(2) In violation appeal hearings, the licensee has the burden of proceeding with reasons and arguments for revision or reversal of the order of the hearing commissioner OR DULY AUTHORIZED AGENT.

R 436.1923 Violation appeal hearing decision.

Rule 23. (1) The decision of the appeal board on a violation appeal hearing shall be mailed to the licensee and the licensee's attorney of record within 30 days after the hearing, except upon written order of the commission extending the time period.

(2) The decision of the appeal board shall be in writing and shall do 1 of the following:

- (a) Affirm the order of the hearing commissioner OR DULY AUTHORIZED AGENT.
- (b) Modify the order of the hearing commissioner OR DULY AUTHORIZED AGENT.
- (c) Rescind the order of the hearing commissioner OR DULY AUTHORIZED AGENT.
- (d) Remand the case back to the hearing commissioner OR DULY AUTHORIZED AGENT who issued the original order.

R 436.1925 Hearings on matters other than violations.

Rule 25. (1) The commission, on its own motion, may order a hearing on a matter within its jurisdiction.

(2) Applications for a license issued under the act or commission rules shall be reviewed by the administrative commissioners. If a license application is denied, THEN the aggrieved license applicant may request an appeal hearing, and the commission shall grant the hearing. The request shall be made to the Lansing office of the commission within 20 days from the date of the mailing of the decision of denial.

(3) The ~~chairman~~ CHAIRPERSON may designate 1 or more commissioners to hear matters other than a violation of the act or commission rules.

(4) In a hearing on matters other than a violation of the act or commission rules, the commission may, in its discretion, determine which party has the burden of proceeding.

(5) THE DECISION OF THE COMMISSION ON A HEARING OTHER THAN A VIOLATION MATTER SHALL BE MAILED TO THE APPELLANT, THE APPELLANT'S ATTORNEY, AND OTHER PARTIES OF INTEREST WHO ATTENDED THE HEARING WITHIN 45 DAYS AFTER COMPLETION OF THE HEARING, EXCEPT UPON WRITTEN ORDER OF THE COMMISSION.

R 436.1931 Postponements; continuances.

Rule 31. (1) Requests for postponements shall be made in writing not less than 2 working days before the violation hearing or appeal hearing date unless waived by ~~the~~ A commissioner OR DULY AUTHORIZED AGENT. The written request may be granted by a commissioner or a duly authorized agent of the commission.

(2) Requests for continuance for cause may be granted by the presiding commissioner OR DULY AUTHORIZED AGENT at the hearing or appeal hearing.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-040

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

LIQUOR CONTROL COMMISSION

CHURCH OR SCHOOL HEARINGS

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the liquor control commission by sections 215(1) and 503 of 1998 P.A. 58, MCL 436.1215(1) and 436.1503, and section 33 of 1969 P.A. 306, MCL 24.233)

R 436.1951, R 436.1953, R 436.1955, R 436.1959, and R 436.1963 of the Michigan Administrative Code are amended as follows:

R 436.1951 Definitions.

Rule 1. ~~(1) “Act” means Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.1~~
AS USED IN THESE RULES “ACT” MEANS 1998 P.A. 58, MCL 46.1101 ET SEQ.

R 436.1953 Notice of application and proposed location.

Rule 3. If the commission determines through investigation that the proposed location of an applicant is within 500 feet of a church or school, as defined in ~~sections 2e or 2y of the act~~ 107(5) OR 111(8) OF THE ACT, the clergyman of the church or superintendent of the school shall be notified of the application and the proposed location if the applicant desires 1 of the following:

- (a) A new license to sell alcoholic liquor for consumption on the premises or the transfer of location of an existing license to sell alcoholic liquor for consumption on the premises.
- (b) A new specially designated distributor license or the transfer of location of an existing specially designated distributor license.
- (c) A new specially designated merchant license in conjunction with a license to sell alcoholic liquor for consumption on the premises or the transfer of location of an existing specially designated merchant license in conjunction with a license to sell alcoholic liquor for consumption on the premises.

R 436.1955 Filing of objection; copy to applicant; scheduling hearing.

Rule 5. (1) If the church or school objects to the issuance or transfer of location of the license, THEN the governing body of the church or school, by resolution, shall file the specific WRITTEN objections ~~in writing~~ with the Lansing office of the commission within 15 days of receipt of notification, unless granted additional time by the commission.

(2) Upon receipt of the objections, the commission shall send a copy of the objections to the applicant.

(3) The commission shall schedule a hearing pursuant to section ~~17a of the act~~ 503 OF THE ACT within a reasonable period of time after receipt of the objections, unless the governing body of the church or school notifies the commission in writing that the objections have been resolved by the applicant and are being withdrawn.

R 436.1959 Burden of proceeding, closing arguments.

Rule 9. (1) The commission may, in its discretion, determine which party ~~shall~~ WILL have the burden of proceeding. The representative of the church or school may make the final argument.

(2) The representative of the church or school shall be prepared to show that the church or school which is objecting meets the definition of section ~~2e or 2y of the act~~ 107(5) OR 111(8) OF THE ACT.

R 436.1963 Granting of the waiver.

Rule 13. The commission shall waive the provisions of section ~~17a of the act~~ 503 OF THE ACT where the applicant shows by competent, material, and substantial evidence that a waiver of section ~~17a~~ 503 would not adversely affect the operation of the church or school.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-041

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

LIQUOR CONTROL COMMISSION

FINANCIAL RESPONSIBILITY

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the liquor control commission by sections 215(1) and 803 of 1998 P.A. 58, MCL 436.1215(1) and 436.1803)

R 436.2001, R 436.2011, R 436.2015, and R 436.2017 of the Michigan Administrative Code are Amended as follows:

R 436.2001 "Securities" defined.

Rule 1. As used in these rules, "securities" means any of the following:

- (a) Stocks or bonds registered by the securities and exchange commission or the ~~securities bureau of the Michigan department of commerce~~ OFFICE OF FINANCIAL AND INSURANCE SERVICES OF THE MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES which are offered for public sale in the state of Michigan and the values of which are regularly reported in a nationally recognized financial publication.
- (b) Obligations of the United States, including bonds, notes, and bills.
- (c) Obligations which are guaranteed fully as to principal and interest by the United States, except those requiring partial payment of principal.
- (d) General obligations of the state of Michigan.
- (e) Unlimited tax general obligation bonds of political subdivisions of the state which are payable directly from the levying of general ad valorem taxes without limitation as to rate or amount.
- (f) An irrevocable trust which contains a guaranteed minimum corpus of \$50,000.00, which has as trustee a financial institution registered in this state, and which provides for the state of Michigan as first beneficiary and claimant of a distribution of up to \$50,000.00 from the trust to satisfy judgments arising from liability under ~~section 22 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.22 of the Michigan Compiled Laws~~ 801 OF 1998 P.A. 58, MCL 436.1801.
- (g) An irrevocable letter of credit or a certificate of deposit issued by a bank, savings bank, savings and loan association, or credit union which is licensed to do business in this state and which is pledged to the state of Michigan as first claimant for distribution of up to \$50,000.00 to satisfy judgments arising from liability under ~~section 22 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.22 of the Michigan Compiled Laws~~ 801 OF 1998 P.A. 58, MCL 436.1801.

R 436.2011 Cash or unencumbered securities; payment of judgments.

Rule 11. Cash or unencumbered securities which have been provided to the commission as proof of financial responsibility shall not be paid or released by the commission to any claimant to satisfy a judgment pursuant to ~~section 22 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.22 of the Michigan Compiled Laws~~ 801 OF 1998 P.A. 58, MCL 436.1801, unless the commission receives a court order requiring such THE payment or release.

R 436.2015 Cash or unencumbered securities; request for return.

Rule 15. (1) Cash or unencumbered securities provided to the commission as proof of financial responsibility shall not be returned to the retail licensee unless either of the following conditions applies:

(a) Two years have transpired since the date the license was transferred, revoked, cancelled, suspended, or placed in escrow with the commission.

(b) Two years have transpired since the date the licensee provided another acceptable form of proof of financial responsibility.

(2) Notwithstanding subrule (1) of this rule, the commission shall not return cash or unencumbered securities provided by a retail licensee as proof of financial responsibility during the pendency of any civil suit against the licensee alleging liability pursuant to ~~section 22 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.22 of the Michigan Compiled Laws~~ 801 OF 1998 P.A. 58, MCL 436.1801, if the alleged liability occurred after April 1, 1988, but during the period in which the licensee had provided the cash or unencumbered securities as proof of financial responsibility.

(3) The commission shall not return, to any retail licensee, cash or unencumbered securities provided as proof of financial responsibility unless the retail licensee first certifies to the commission, in writing, that a civil suit is not pending against the licensee alleging liability pursuant to ~~section 22 of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.22 of the Michigan Compiled Laws~~ 801 OF 1998 P.A. 58, MCL 436.1801, during the period in which the licensee had provided the cash or unencumbered securities as proof of financial responsibility.

R 436.2017 Failure to provide proof of financial responsibility.

Rule 17. If at any time a retail licensee fails to maintain proof of financial responsibility as required by ~~section 22a of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.22a of the Michigan Compiled Laws~~ 803 OF 1998 P.A. 58, MCL 436.1803, the license shall be immediately suspended pursuant to the provisions of ~~Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws~~ 1969 P.A. 306, MCL 24.201 ET SEQ., until such time as the licensee provides to the commission proof of financial responsibility as required by ~~section 22a of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being §436.22a of the Michigan Compiled Laws~~ 803 OF 1998 P.A. 58, MCL 436.1803.

NOTICE OF PUBLIC HEARING

ORR # 2002-033, 034, 035, 036, 037, 038, 039, 040, 041

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

LIQUOR CONTROL COMMISSION

A public hearing will be held by the Michigan Liquor Control Commission on Wednesday, December 4, 2002, from 1:00 p.m. - 4:00 p.m., in Conference Room A, First Floor, General Office Building, 7150 Harris Drive, Lansing, Michigan to consider proposed amendments to the Commission's administrative rules regulating general rules, licensing qualifications, advertising, on-premises licenses, off-premises licenses, wines, hearing and appeal practices, church or school hearings, and financial responsibility. The proposed rules include elimination of unnecessary regulations, clarification of existing rules, simplification of the administrative processes, or reduction of administrative burdens affecting applicants or licensees.

The public hearing is called in compliance with Sections 41 and 42 of Act No. 306, PA of 1969, as amended, and under the authority of section 215(1) of Act No. 58 of the Public Acts of 1998, as amended.

Copies of the proposed rules may be obtained at the Liquor Control Commission's Lansing Office during regular business hours. Copies may also be obtained by contacting the Lansing Office at: Michigan Liquor Control Commission, Attention Kenneth Wozniak, Commission Aide, 7150 Harris Drive, Lansing, MI. 48909, telephone 517-322-1359, fax: 517-322-5188. The proposed amendments would become effective 7 days after filing with the Secretary of State.

All interested persons are invited to attend the hearing to present data and views orally or in writing. Anyone unable to attend may submit comments in writing to Mr. Wozniak at the above address. Written comments must be received by December 18, 2002. Persons needing accommodations for effective participation in the meeting should contact Mr. Wozniak at 517-322-1359 a week in advance to request mobility, visual, hearing, or other assistance.

By Order of the Liquor Control Commission, Commission Agent, Karen Hogan.

**EXECUTIVE ORDERS
AND
EXECUTIVE REORGANIZATION ORDERS**

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.”

EXECUTIVE ORDERS

EXECUTIVE ORDER

No. 2002 - 17

**DEPARTMENT OF MANAGEMENT AND BUDGET
OFFICE OF THE STATE BUDGET**

DEPARTMENT OF INFORMATION TECHNOLOGY

DEPARTMENT OF HISTORY, ARTS AND LIBRARIES

EXECUTIVE REORGANIZATION

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch and in the assignment of functions among its units, which he considers necessary for efficient administration; and

WHEREAS, the Department of History, Arts and Libraries was created in 2001 as the state's premier cultural institution with responsibility for preserving and managing historical resources and records, promoting film and the arts, and coordinating the activities of Michigan libraries; and

WHEREAS, the Department of History, Arts and Libraries currently administers the state records archival preservation program, including the State Archives of Michigan, local records management and archival preservation programs, and the Library of Michigan's communications programs, which afford Michigan residents and state agencies access to state documents and related information; and

WHEREAS, many, but not all, records-related programs and functions were transferred to the Department of History, Arts and Libraries when the department was created; and

WHEREAS, the Department of Management and Budget currently administers the state records management program, including the State Records Center; Office of the State Budget performs demographic and population projection functions; and the Department of Information Technology currently administers certain census information gathering and reporting functions amenable to administration by the Library of Michigan; and

WHEREAS, further consolidation of records management, information dissemination and communications programs of the state of Michigan in the Department of History, Arts and Libraries will promote a unified approach to and strengthen central policymaking and direction-setting in records management, archival records preservation and information dissemination; and

WHEREAS, it is necessary in the interests of efficient administration and the effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. DEFINITIONS

As used herein:

A. The "Department of History, Arts and Libraries" means the principal department created by Section 3 of Act No. 63 of the Public Acts of 2001, being Section 399.703 of the Michigan Compiled Laws.

B. The "Department of Information Technology" means the principal department created by Executive Order 2001-3, being Section 18.41 of the Michigan Compiled Laws.

C. The "Department of Management and Budget" means the principal department created by Section 121 of Act No. 431 of the Public Acts of 1984, being Section 18.1121 of the Michigan Compiled Laws.

D. "Forms Management Program" means the program described in Section 205 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1205 of the Michigan Compiled Laws.

II. DEPARTMENT OF MANAGEMENT AND BUDGET

A. Except as provided in paragraph II.C., all statutory authority, powers, duties, and functions of the Department of Management and Budget related to the state records management program, including but not limited to authority to operate a records center or centers and administer records services and microfilm funds, as set forth in Sections 284 to 292 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Sections 18.1284 to 18.1292 of the Michigan Compiled Laws, are hereby transferred to the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. The power of the Director of the Department of Management and Budget to issue, alter or rescind administrative and procedural directives as determined necessary for the effective administration of the state records management program derived from Section 131 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1131 of the Michigan Compiled Laws; and the power of the Department of Management and Budget to promulgate administrative rules as necessary to implement the state records management program derived from Section 131 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1131 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

C. Notwithstanding paragraph II.A., the Department of Management and Budget shall retain all statutory authority, powers, duties, and functions necessary for the development, implementation and coordination of the state's forms management program, as set forth in Section 287 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1287 of the Michigan Compiled Laws.

D. All statutory authority, powers, duties, and functions of the State Budget Director with respect to conducting statistical studies, making estimates and projections of population relative to size and distribution, and engaging in other demographic assessment activities, as set forth in Section 343 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, being Section 18.1343 of the Michigan Compiled Laws, are hereby transferred to the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

III. DEPARTMENT OF INFORMATION TECHNOLOGY

Such authority, powers, duties, and functions as are currently exercised by the Department of Information Technology, Center for Geographic Information (formerly the Michigan Information Center), under a cooperative initiative between the United States Bureau of the Census and the state of Michigan relative to census reporting, are hereby transferred to the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

IV. MISCELLANEOUS

A. The Director of the Department of History, Arts and Libraries, in cooperation with the Directors of the Department of Management and Budget, the Office of the State Budget, and the Department of Information Technology shall provide executive direction and supervision for the implementation of the transfers and reassignments prescribed by this Order.

B. The Director of the Department of History, Arts and Libraries shall administer the transferred functions governed by this Order in such ways so as to promote efficient administration and shall make such internal organizational changes in the Department of History, Arts and Libraries as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. The Director of the Department of History, Arts and Libraries shall coordinate with the Directors of the Department of Management and Budget, the Office of the State Budget, and the Department of Information Technology to facilitate the transfers prescribed by this Order and may enter into cooperative agreements, letters of agreement, service level agreements, and other written agreements with each other deemed necessary to complete the transfers. Such agreements may identify any pending or existing settlements, issues of compliance with federal and state laws, or other obligations to be resolved related to the transferred authority.

D. All records, personnel, property, grants, leases, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities of the Department of Management and Budget, its Director, the Office of the State Budget,

and the Department of Information Technology related to reassigned functions described above, are hereby transferred to the Department of History, Arts and Libraries.

E. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.

F. All rules, orders, contracts, grants, agreements, and directives relating to the authority, powers, duties, functions, and responsibilities transferred to the Department of History, Arts and Libraries by this Order, lawfully adopted prior to the effective date of this Order, shall continue to be effective until revised, amended or rescinded.

G. Any suit, action or other proceeding lawfully commenced by, against, or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

H. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days from the filing of this Order.

Given under my hand and the Great Seal of the State of Michigan this _____ day of October, in the Year of our Lord, Two Thousand Two.

GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

EXECUTIVE ORDERS

EXECUTIVE ORDER

2002 – 18

DEPARTMENT OF MANAGEMENT AND BUDGET

OFFICE OF THE STATE EMPLOYER

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, on April 25, 1980, the State Civil Service Commission adopted a revised employee relations policy, entitled Civil Service Employee Relations Policy Rule and Regulations of 1980, as amended, which granted substantial new rights to classified employees to organize themselves; and

WHEREAS, the Employee Relations Policy Rule of 1980 provided for the election of exclusive employee representatives; gave collective bargaining rights to such organizations; designated the Governor or his representative as the State Employer; and designated the Department of Civil Service as the neutral body regulating the labor relations system in the classified service; and

WHEREAS, in the interest of efficiently discharging the responsibilities of the State Employer, it is necessary to clarify the authority and duties of that office;

NOW, THEREFORE, I, JOHN ENGLER, Governor of the State of Michigan, pursuant to the authority vested in me by the Michigan Constitution of 1963 in Article V, Section 8, do hereby order the following:

I. Definitions

As used herein:

A. The "Civil Service Commission" means the Civil Service Commission created in Article XI, Section 5, of the Constitution of the State of Michigan of 1963.

B. The "Department of Civil Service" means the principal department of state government created by Section 200 of Act No. 380 of the Public Acts of 1965, being Section 16.300 of the Michigan Compiled Laws. Pursuant to Section 201 of Act No. 380 of the Public Acts of 1965, being Section 16.301 of the Michigan Compiled Laws, the head of the department is the Civil Service Commission.

C. The "Department of Management and Budget" means the principal department of state government created by Section 121 of Act No. 431 of the Public Acts of 1984, being Section 18.1121 of the Michigan Compiled Laws.

D. The "Office of the State Employer" means the autonomous office created within the Department of Management and Budget by Executive Order 1979-5, whose duties include, but are not limited to, those assigned by Executive Orders 1979-5, 1981-3, and 1988-6.

II. Office of the State Employer

A. The Office of the State Employer shall continue to be housed within the Department of Management and Budget. It shall be headed by a director who shall be an unclassified employee appointed by, and directly responsible to, the Governor. The Director shall perform the obligations and exercise the rights of the State Employer under Civil Service Employee Relations Policy Rule and Regulations of 1980, as amended, and on behalf of the employer, shall formulate, execute, and administer labor-management relations policies for classified employees.

B. The duties of the Director shall include, but not be limited to, the following:

1. To represent executive branch departments and agencies before the Civil Service Coordinated Compensation Panel addressing issues for nonexclusively represented classified employees.
2. To determine the policies of the employer with respect to matters subject to collective bargaining negotiations.
3. To represent the employer in primary negotiations with exclusive representatives. To assist the Director, departmental bargaining team members shall be nominated by the departments, subject to the approval of the Director.
4. To enter into collective bargaining agreements with exclusive representatives concerning negotiable matters.
5. To determine the issues which shall be the subject of primary negotiations and those that shall be the subject of secondary negotiations for the employer.
6. To participate in secondary negotiations at the departmental level and to approve all secondary collective bargaining agreements.
7. To represent the employer in dispute resolution conferences and in mediation.
8. To initiate requests for modifications to the Civil Service Employee Relations Policy Rule and Regulations of 1980, as amended.
9. To coordinate employer responses to personnel policy and rule changes being considered by the Civil Service Commission, and regulations by the State Personnel Director.

10. To initiate, or approve the initiation, of prohibited practice charges against employees or employee organizations and to respond to and represent the employer with respect to prohibited practice charges filed by employees or employee organizations.

11. To serve as the chair of the State Equal Opportunity Workforce Planning Council as provided in executive order 1996-13.

12. To have final authority for contract administration, grievance settlements and to approve all contract interpretation documents and Letters of Understanding.

13. To make the management determination regarding which grievance cases should go to arbitration or civil service hearing after consultation with the affected department; to approve the management advocate in the presentation of all arbitrations and the presentation of grievance hearings under the Civil Service Commission rules and regulations.

14. To supervise the training of all management personnel involved in the labor relations process with the full cooperation and participation of the departments.

15. To develop and administer the statewide drug and alcohol testing program, statewide safety and health system, long-term disability plan, disability management programs, and the workers' compensation program for active state employees of the executive branch.

16. To coordinate the provision of confidential services to employees who are experiencing work-related problems or personal concerns that are affecting their work, including the coordination of assistance to employees who have been exposed to traumatic incidents at work.

17. To do such other things as are necessary in order for the employer to meet the responsibilities to recognized employee organizations, and to foster responsible labor-management relations.

C. Departments and agencies shall cooperate with the Director in providing information necessary to perform these responsibilities.

D. The duties of the Director of the Office of the State Employer shall include employee relations matters affecting classified employees covered by the Civil Service Employee Relations Policy Rule and Regulations of 1980, as amended, as well as matters affecting State Police troopers and sergeants, who exercise the right of collective bargaining pursuant to Article XI, Section 5, of the Michigan Constitution of 1963.

E. The Director of the Office of the State Employer shall have authority to appoint and supervise such staff as deemed necessary. The Director may also enter consulting contracts for personal and professional services related to the functions of the Office of the State Employer. The Department of Management and Budget shall perform budgeting, procurement and related administrative functions for the Office.

F. All executive branch departments and agencies shall cooperate with and assist the Director in the performance of the responsibilities herein assigned.

G. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

The provisions of this Executive Order shall become effective upon filing.

Given under my hand and the Great Seal of the State of
Michigan this _____ day of October, in the Year of our
Lord, Two Thousand Two.

GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

EXECUTIVE ORDERS

EXECUTIVE ORDER

No. 2002 – 19

**CIVIL SERVICE COMMISSION
DEPARTMENT OF CIVIL SERVICE
DEPARTMENT OF MANAGEMENT AND BUDGET
OFFICE OF THE STATE EMPLOYER
DEPARTMENT OF TREASURY
DEPARTMENT OF INFORMATION TECHNOLOGY**

EXECUTIVE REORGANIZATION

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Article XI, Section 5, of the Constitution of the State of Michigan of 1963 empowers the Michigan Civil Service Commission to fix rates of compensation for all classes of positions, to approve or disapprove all disbursements for personal services, to make rules and regulations covering all personnel transactions, and to regulate all conditions of employment in the state classified service; and

WHEREAS, the administration of state employee benefit programs and the Quality Recognition System was transferred from the Office of the State Employer and the Department of Management and Budget to the Department of Civil Service by Executive Order 2002-13, effective October 1, 2002; and

WHEREAS, the Human Resource Management Network (“HRMN”) System is under the joint executive direction of the directors of the Department of Civil Service, the Office of the State Employer, the Department of Management and Budget, the Office of the State Budget within the Department of Management and Budget, and the Department of Information Technology; and

WHEREAS, the HRMN System is managed by an informal HRMN Systems Coordination Committee consisting of representatives from the Department of Civil Service, the Department of Information Technology, the Office of the State Employer, the State Budget Office within the Department of Management and Budget, and the Department of Treasury; and

WHEREAS, in order to streamline business processes, improve service, focus development planning, enhance flexibility and responsiveness, and improve coordination among all user agencies, the executive direction and management of the HRMN System should be established within a single central agency.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

I. DEFINITIONS

As used herein:

A. The “Civil Service Commission” means the Civil Service Commission created in Article XI, Section 5, of the Constitution of the State of Michigan of 1963.

B. The "Department of Civil Service" means the principal department of state government created by Section 200 of Act No. 380 of the Public Acts of 1965, being Section 16.300 of the Michigan Compiled Laws. Pursuant to Section 201 of Act No. 380 of the Public Acts of 1965, being Section 16.301 of the Michigan Compiled Laws, the head of the department is the Civil Service Commission.

C. The “State Personnel Director” means the person vested with the administration of the powers of the Civil Service Commission in Article XI, Section 5, of the Constitution of the State of Michigan of 1963.

D. The "Department of Management and Budget" means the principal department of state government created by Section 121 of Act No. 431 of the Public Acts of 1984, being Section 18.1121 of the Michigan Compiled Laws.

E. The “Office of the State Employer” means the autonomous office created within the Department of Management and Budget by Executive Order 1979-5, whose duties include, but are not limited to, those assigned by Executive Orders 1979-5, 1981-3, 1988-6, and 2002-18.

F. The “Department of Treasury” means the principal department of state government created by Section 75 of Act No. 380 of the Public Acts of 1965, being Section 16.175 of the Michigan Compiled Laws.

G. The “Department of Information Technology” means the principal department of state government created by Executive Order 2001-3, being Section 18.41 of the Michigan Compiled Laws.

H. The “HRMN System” means the Michigan statewide Human Resource Management Network System that delivers payroll, personnel, employee benefits, and other human resource functionality and data exchange, and includes, but is not limited to, the standards, guidelines, processes, procedures, practices, rules, regulations, hardware, and software for the operation of the HRMN System.

I. The “executive direction and management of the HRMN System” means the authority, power, duty, and responsibility for all of the following:

1. To establish, implement and enforce policy standards, guidelines, processes, procedures, practices, rules, and regulations for the operation of the HRMN System, consistent with applicable law.
2. To manage the HRMN System to achieve the business needs for payroll, personnel, employee benefits, and other human resource functions for the state of Michigan.
3. To direct and manage the program development and implementation of changes in the HRMN System.
4. To acquire technology development, services and software for the HRMN system through agency operating agreements between the Department of Civil Service and the Department of Information Technology.
5. To acquire and manage contracts for the HRMN System.
6. To standardize or centralize agency personnel transactions in the HRMN System.

II. TRANSFER

A. All of the authority, powers, duties, functions, and responsibilities of the Department of Management and Budget, the Office of the State Employer, the Department of Treasury, and the Department of Information Technology related to the executive direction and management of the HRMN System, except as otherwise provided in Part III of this Order, are hereby transferred to the Department of Civil Service by Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. The Director of the Department of Civil Service may convene an advisory committee consisting of:

1. State Personnel Director, or his or her designee,
2. State Treasurer, or his or her designee,
3. State Budget Director, or his or her designee,
4. Director of the Department of Management and Budget, or his or her designee,
5. Director of the Office of the State Employer, or his or her designee, and
6. Director of the Department of Information Technology, or his or her designee.

III. MISCELLANEOUS

A. This Order does not transfer any other authority, power, duty, function, or responsibility of the Department of Management and Budget, the Office of the State Employer, the Department of Treasury, or the Department of Information Technology that is now provided by law.

B. This order does not transfer any records, personnel, property, or funds to or from the Department of Civil Service, the Department of Management and Budget, the Office of the State Employer, the Department of Treasury, or the Department of Information Technology.

C. For the purpose of implementing this Order or facilitating the delivery of human resource services, the Department of Management and Budget, the Office of the State Employer, the Department of Treasury, or the Department of Information Technology may delegate by written instrument a lawful duty or power to the Department of Civil Service or the State Personnel Director. The department or person to whom such duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the duty or power is delegated. Any such delegation may be revoked by written instrument delivered to the department or person to whom the duty or power was originally delegated.

D. Upon execution of a written instrument pursuant to subsection C, the Department of Management and Budget, the Office of the State Employer, the Department of Treasury, or the Department of Information Technology may transfer to the Department of Civil Service by written instrument any record, personnel, property, or funds now used, held, employed, available to, or to be made available to the Department of Management and Budget, the Office of the State Employer, the Department of Treasury, or the Department of Information Technology for the operation, management or maintenance of the HRMN System.

E. For the purpose of implementing this Order or facilitating the delivery of human resource services, the Department of Management and Budget, the Office of the State Employer, the Department of Treasury, the Department of Information Technology, or any other executive branch agency may enter into a written agreement, including a service level agreement, with the Department of Civil Service regarding activities, staffing, operations, and infrastructure support to be provided for the support or operation of the HRMN System.

F. The State Personnel Director, in cooperation with the Director of the Office of the State Employer, the Director of the Department of Management and Budget, the State Treasurer, and the director of the Department of Information Technology, shall provide executive direction and supervision for the implementation of the transfer.

G. All rules, orders, contracts, agreements, or other obligations relating to the HRMN System lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

H. Nothing contained in this Order shall diminish or limit the authority of the Civil Service Commission to exercise any authority granted to it under Article XI, Section 5 of the Constitution of the State of Michigan of 1963.

I. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days from the filing of this Order.

Given under my hand and the Great Seal of the State of Michigan this _____ day of October, in the Year of our Lord, Two Thousand Two.

GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		472	Yes	1/21	1/23	01/23/02	STATE; Funds; children's trust fund; revise investment options. (Sen. S. Johnson)
2	5027		Yes	1/21	1/23	01/23/02	HIGHWAYS; Name; renaming certain portion of M-69; designate as "Oscar G. Johnson Memorial Highway". (Rep. D. Bovin)
3		430	No	2/6	2/7	**	ENVIRONMENTAL PROTECTION; Other; dark sky preserve; repeal sunset. (Sen. B. Hammerstrom)
4		471	Yes	2/6	2/7	02/07/02	FINANCIAL INSTITUTIONS; Other; licensing of residential mortgage originator; clarify. (Sen. B. Leland)
5		615	Yes	2/6	2/7	02/07/02	HIGHWAYS; Name; renaming a certain portion of US-127; establish as the "Gary Priess Memorial Highway." (Sen. V. Garcia)
6	5436		Yes	2/14	2/14	02/14/02	PROPERTY; Conveyances; transfer of certain state owned properties in Tuscola county and Wayne county; provide for. (Rep. T. Meyer)
7		682	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in divorce law; enact change necessitated by 2001 PA 107. (Sen. B. Hammerstrom)
8		683	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in the family support act; enact changes necessitated by 2001 PA 111. (Sen. B. Hammerstrom)
9		684	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in child custody act; enact change necessitated by 2001 PA 108. (Sen. B. Hammerstrom)
10		434	Yes	2/14	2/14	02/14/02	CHILDREN; Protection; reporting suspected child abuse or neglect; clarify provisions and add categories of mandated reporters. (Sen. B. Hammerstrom)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
11	4195		Yes	2/18	2/19	02/19/02	HEALTH FACILITIES; Nursing homes; individual responsible for receiving complaints and conducting complaint investigations; require nursing home to have such individual available 24 hours per day, 7 days per week. (Rep. B. Patterson)
12	4980		Yes	2/18	2/19	02/19/02	HIGHWAYS; Name; renaming certain portion of I-69; designate as "Purple Heart Highway." (Rep. P. DeWeese)
13	5005		Yes	2/18	2/19	2/19/02	TRANSPORTATION; Other; motor fuels quality; revise standards and penalties. (Rep. L. Julian)
14	5009		Yes	2/18	2/19	2/19/02	CHILDREN; Abuse or neglect; failure to report; increase penalties. (Rep. M. Middaugh)
15	4487		Yes	2/21	2/21	2/21/02	COMMERCIAL CODE; Sales; price of goods for which a writing is required for an enforceable contract; increase minimum to \$1,000.00. (Rep. J. Koetje)
16	4009		Yes	2/27	2/28	2/28/02	AGRICULTURE; Other; low-interest loans for certain agricultural disasters; provide for. (Rep. R. Jelinek)
17	4812		Yes	2/28	3/1	3/1/02	LIENS; Generally; ownership and lien rights of dies, molds, and forms ; revise. (Rep. A. Richner)
18	5382		Yes	2/28	3/1	3/1/2002 #	COMMERCIAL CODE; Secured transactions; reference to molder's lien act in secured transactions; amend uniform commercial code to provide. (Rep. M. Mortimer)
19	5023		Yes	3/4	3/4	03/04/02	COUNTIES; Other; recording requirements of register of deeds; revise. (Rep. A. Sanborn)
20	5024		Yes	3/4	3/4	03/04/02	PROPERTY; Land contracts; contracts for sale of land; eliminate witness requirement. (Rep. A. Sanborn)
21	5025		Yes	3/4	3/4	03/04/02	LAND USE; Land division; signatures on proprietor's certificate on the plat; eliminate witness requirement. (Rep. A. Sanborn)

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+ - Line item veto

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22	5186		Yes	3/4	3/4	03/04/02	COUNTIES ; Employees and officers; requirement for medical examiner to live in county of appointment; eliminate, and repeal acts and parts of acts. (Rep. G. Van Woerkom)
23	5022		Yes	3/4	3/4	03/04/02	COUNTIES ; Employees and officers; procedure for recording deeds and mortgages; eliminate witness requirement. (Rep. A. Sanborn)
24		505	No	3/5	3/6	** #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guideline provisions for possession of firearms on commercial airport property; provide for. (Sen. P. Hoffman)
25		718	Yes	3/5	3/6	03/06/02	WORKER'S COMPENSATION ; Insurers; certain assessments; revise. (Sen. B. Bullard Jr.)
26		496	Yes	3/5	3/6	03/06/02	INSURANCE ; Insurers; service of process in certain cases; provide for. (Sen. B. Bullard Jr.)
27	4028		Yes	3/5	3/6	03/06/02	LOCAL GOVERNMENT ; Other; spot blight designation and acquisition; provide for. (Rep. A. Richner)
28	5389		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. W. McConico)
29	5390		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. W. O'Neil)
30	5391		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
31	5392		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. L. Julian)

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32		493	Yes	3/7	3/7	03/07/02	INSURANCE ; Other; requirement for commissioner to obtain approval of a circuit court judge before issuing a subpoena in certain cases; eliminate. (Sen. B. Bullard Jr.)
33	5483		Yes	3/7	3/7	3/7/2002 #	BUSINESSES ; Nonprofit corporations; career development and distance learning; provide for in nonprofit corporation act. (Rep. J. Gilbert II)
34	5393		Yes	3/7	3/7	***	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
35		541	Yes	3/7	3/7	05/15/02	AERONAUTICS ; Other; general amendments; provide for. (Sen. W. North)
36	5482		Yes	3/7	3/7	03/07/02	BUSINESSES ; Nonprofit corporations; establishment and operation of registered distance learning corporations; authorize. (Rep. J. Allen)
37		604	Yes	3/7	3/7	03/07/02	INSURANCE ; Property and casualty; mandatory exams of rating organizations; eliminate. (Sen. V. Garcia)
38		605	Yes	3/7	3/7	03/07/02	INSURANCE ; No-fault; reference to public service commission certification; revise to the department of transportation. (Sen. M. Goschka)
39	5139		Yes	3/11	3/12	03/12/02	EDUCATION ; School districts; access to high school campus and certain student directory information for official armed forces recruiting representatives; require. (Rep. W. Kuipers)
40	4690		Yes	3/11	3/12	03/12/02	STATE ; Interstate compacts and agreements; Michigan participation in the interstate compact for adult offender supervision; establish. (Rep. C. LaSata)
41	5337		Yes	3/11	3/12	03/12/02	TRANSPORTATION ; Carriers; weight restrictions on certain highways or roads; revise. (Rep. J. Gilbert II)

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42	4987		Yes	3/12	3/12	03/12/02	OCCUPATIONS; Real estate; procedure for a deposit held by an escrowee; clarify. (Rep. M. Bishop)
43		180	Yes	3/13	3/14	03/14/02	CRIMES; Prostitution; qualifying underlying offenses to establish second, third, and subsequent offense violations; amend. (Sen. B. Schuette)
44	4325		Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; criteria for determining prior prostitution offenses; amend to include consideration of local ordinance violations. (Rep. C. Bisbee)
45	5449		Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; age limit restricting prosecution for certain prostitution violations; revise, and eliminate requirement of knowledge of age of child for certain other sex-related crimes. (Rep. J. Gilbert II)
46		1029	Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; age limit for charging certain prostitution violations; revise. (Sen. T. McCotter)
47	5033		Yes	3/13	3/14	6/1/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of soliciting child to commit an immoral act; enact. (Rep. M. Kowall)
48		880	Yes	3/14	3/14	11/1/2002 #	PUBLIC UTILITIES; Other; fee structures for use of public rights-of-way; provide for. (Sen. J. Schwarz)
49		881	Yes	3/14	3/14	03/14/02	COMMUNICATIONS; Telecommunications; Michigan community communications development authority; create. (Sen. L. Stille)
50		999	Yes	3/14	3/14	3/14/2002 #	PROPERTY TAX; Other; credit for the purchase and installation of certain telecommunications equipment; provide for. (Sen. V. Garcia)

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51	4672		Yes	3/12	3/15	03/15/02	EDUCATION ; Other; model local policy concerning the administration of medications to students at school; provide for. (Rep. J. Hansen)
52		796	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; natural resources trust fund; provide for expanded investment authority. (Sen. G. McManus Jr.)
53		797	Yes	3/12	3/15	*** #	VETERANS ; Trust fund; investment authority; expand. (Sen. V. Garcia)
54		798	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; state parks endowment fund; provide for expanded investment authority. (Sen. C. Dingell)
55		799	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; nongame fish and wildlife trust fund; expand investment authority. (Sen. A. Smith)
56		800	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; game and fish protection trust fund; expand investment authority. (Sen. L. Bennett)
57		801	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; Michigan civilian conservation corps endowment fund; expand investment authority. (Sen. D. Koivisto)
58	5404		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Allen)
59	5405		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of school districts to pay for loans from state; modify. (Rep. M. Bishop)
60	5406		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority for emergency loans for school districts; repeal. (Rep. L. DeVuyst)
61	5407		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Gilbert II)

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62	5408		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Howell)
63	5409		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Koetje)
64	5410		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. M. Middaugh)
65	5414		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. S. Thomas III)
66	5412		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. G. Van Woerkom)
67	5413		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. S. Vear)
68	5416		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. L. Lemmons III)
69	5417		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. A. Lipsey)
70	5418		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Rivet)
71	5419		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the school aid act; modify. (Rep. M. Waters)
72	5420		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of community colleges; modify. (Rep. P. Zelenko)
73	5423		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of community colleges; modify. (Rep. M. Pumford)

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74		592	Yes	3/14	3/15	03/15/02	INSURANCE; Third party administrators; requirement that third party administrators have administrative service manager; eliminate. (Sen. B. Bullard Jr.)
75		692	Yes	3/14	3/15	03/15/02	LAND USE; Farmland and open space; agricultural conservation easement or purchase of development rights; provide that entry into automatically terminates development rights agreement without lien and entitles landowner to tax credit and revise circumstances for relinquishment of farmland from development rights agreement. (Sen. B. Hammerstrom)
76	5119		Yes	3/14	3/15	03/15/02	LIQUOR; Licenses; small distillery license fee; decrease. (Rep. S. Rocca)
77	5585		Yes	3/21	3/21	03/21/02	CIVIL PROCEDURE; Civil actions; interest on judgment on a written instrument evidencing indebtedness that bears an interest rate; revise to make application of recent change prospective and provide mechanism for fixing rate when instrument bears a variable interest rate. (Rep. A. Richner)
78	5205		Yes	3/25	3/25	03/25/02	TRANSPORTATION; Carriers; number of axles allowed on certain designated highways; clarify. (Rep. J. Gilbert II)
79	4859		Yes	3/25	3/25	03/25/02	CORRECTIONS; Employees; record of controlled substance offenses that were subject to dismissal and discharge; allow to be used by department of corrections or law enforcement agencies for specified purposes. (Rep. L. Julian)
80	5434		No	3/25	3/25	**	TRADE; Other; grain dealers act; provide general amendments. (Rep. T. Meyer)
81	4860		Yes	3/25	3/25	03/25/02	NATURAL RESOURCES; Hunting; requirement for lottery to issue wild turkey hunting license; eliminate. (Rep. M. Mortimer)

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82	5026		Yes	3/25	3/26	03/26/02	WEAPONS; Firearms; transportation requirements for certain firearms ; clarify. (Rep. S. Vear)
83		884	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in vocational education acts; eliminate. (Sen. T. McCotter)
84		885	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in social welfare act; eliminate. (Sen. T. McCotter)
85		886	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general regarding commitment to certain institutions; eliminate. (Sen. T. McCotter)
86		888	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general regarding certain auction duties; eliminate. (Sen. T. McCotter)
87		890	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; act regarding Michigan dairymen's association; repeal. (Sen. T. McCotter)
88		894	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in the code of criminal procedure; eliminate. (Sen. T. McCotter)
89		895	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in the prison code; eliminate. (Sen. T. McCotter)
90		690	Yes	3/26	3/26	03/26/02	STATE; Authorities; authority to oversee the operation of certain types of airports including Detroit metropolitan Wayne county airport; create. (Sen. G. Steil)
91	5216		Yes	3/26	3/27	4/9/2002 #	ELECTIONS; Voting equipment; uniform statewide voting system; provide for under certain conditions. (Rep. B. Patterson)
92	5674		No	3/27	3/27	**	COURTS; Circuit court; certain judicial circuits and judicial districts; reform, and allow the office of district judge and probate judge to be combined in certain counties. (Rep. K. Bradstreet)

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+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
93	5732		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State employees; early retirement for certain state employees; allow under certain circumstances. (Rep. P. DeWeese)
94	5110		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Public school employees; public pension protection and health advance funding; provide for. (Rep. S. Caul)
95	5112		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Judges; public pension protection; provide for. (Rep. A. Lipsey)
96	5113		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State police; public pension protection; provide for. (Rep. C. Brown)
97	5114		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Legislative; public pension protection; provide for. (Rep. S. Thomas III)
98	5111		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Fire and police; public pension protection; provide for. (Rep. J. Howell)
99	5109		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State employees; public pension protection; provide for. (Rep. J. Voorhees)
100	5108		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Generally; public pension protection act; enact. (Rep. J. Vander Roest)
101	5125		Yes	3/27	3/27	07/01/02	CRIMES ; Larceny; manufacture, distribution, or possession of a theft detection shielding device or of a tool designed to deactivate or remove a theft detection device; prohibit and provide penalties. (Rep. M. Bishop)
102	5126		Yes	3/27	3/27	7/1/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for a theft detection device offense; enact. (Rep. M. Bishop)
103		887	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general regarding compensation of injured peace officers; eliminate. (Sen. T. McCotter)
104		889	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general regarding protective committees; eliminate. (Sen. T. McCotter)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
105		892	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general in the insurance code of 1956; eliminate. (Sen. T. McCotter)
106		896	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general in university funds; eliminate. (Sen. T. McCotter)
107	5145		Yes	3/27	3/27	03/27/02	NATURAL RESOURCES ; Other; conservation district annual meeting; allow for change of date. (Rep. D. Mead)
108	4937		Yes	3/27	3/27	03/27/02	NATURAL RESOURCES ; Fishing; minimum age for voluntary all-species fishing license; eliminate. (Rep. S. Tabor)
109		543	Yes	3/27	3/27	07/01/02	LIENS ; Garage keepers; garage keeper's lien act; clarify certain procedures. (Sen. L. Bennett)
110		678	Yes	3/27	3/27	03/27/02	USE TAX ; Collections; motor vehicles held for resale; define price tax base. (Sen. B. Bullard Jr.)
111	5327		Yes	4/1	4/1	04/01/02	EDUCATION ; Curricula; model financial literacy programs; provide for. (Rep. M. Bishop)
112		730	Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE ; Search and seizure; search warrant affidavits; revise procedures. (Sen. S. Johnson)
113		930	Yes	3/29	4/1	4/22/2002 #	CRIMES ; Other; certain acts relating to terrorism; prohibit and provide penalties. (Sen. D. DeGrow)
114		936	Yes	3/29	4/1	5/1/2002 #	CRIMINAL PROCEDURE ; Grand jury; certain grand jury information regarding terrorism-related offenses; clarify information sharing procedures. (Sen. B. Bullard Jr.)
115		939	Yes	3/29	4/1	4/22/2002 #	CRIMES ; Other; crime of obtaining certain diagrams or descriptions of vulnerable targets with the intent to commit a terrorist act; create. (Sen. J. Schwarz)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
116		940	Yes	3/29	4/1	4/22/2002 #	CRIMES; Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include stadiums, critical transportation infrastructures, and public services providers. (Sen. W. North)
117		942	Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; use of the internet or other electronic or telecommunication system or device to disrupt critical infrastructures or governmental operations; provide penalties. (Sen. B. Hammerstrom)
118		943	Yes	3/29	4/1	05/01/02	TRANSPORTATION; Carriers; penalties for the transportation of hazardous materials without a hazardous materials endorsement; increase. (Sen. K. Sikkema)
119		948	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Statute of limitations; statute of limitations for certain crimes involving terrorism; eliminate. (Sen. M. Goschka)
120		949	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing; restitution to all governmental entities for terrorist activities; require. (Sen. L. Bennett)
121		994	Yes	3/29	4/1	04/01/02	MILITARY AFFAIRS; Other; military leaves and reemployment protection for members of the military who have been called to active service; clarify. (Sen. A. Miller Jr.)
122		995	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Sen. D. Koivisto)
123		996	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of certain threats and false reports relating to terrorism; enact. (Sen. D. Byrum)
124		997	Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; terrorism; include as predicate offense for racketeering violation. (Sen. B. Leland)

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125		1005	Yes	3/29	4/1	04/01/02	HEALTH FACILITIES; Hospitals; biohazard detection and handling plan; require each hospital to establish. (Sen. M. Scott)
126	4037		Yes	3/29	4/1	04/22/02	TRAFFIC CONTROL; Driver license; penalties for an individual who reproduces, alters, counterfeits, forges, or duplicates a license photograph; increase. (Rep. J. Faunce)
127	5041		Yes	3/29	4/1	4/22/2002 #	TRAFFIC CONTROL; Driver license; sentencing guidelines for crimes relating to forging driver licenses; enact. (Rep. J. Kooiman)
128	5270		Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE; Search and seizure; search warrant affidavits; declare to be nonpublic information. (Rep. S. Caul)
129	5295		Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE; Jurisdiction; jurisdiction for prosecution of criminal offense; clarify. (Rep. G. DeRossett)
130	5349		Yes	3/29	4/1	05/01/02	CIVIL RIGHTS; Public records; critical infrastructure; exempt from freedom of information act. (Rep. M. Shulman)
131	5495		Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; certain acts relating to terrorism; prohibit and provide penalties. (Rep. J. Howell)
132	5496		Yes	3/29	4/1	05/01/02	STATE; Planning; Michigan emergency management act; revise powers and duties. (Rep. G. Newell)
133	5501		Yes	3/29	4/1	05/01/02	MILITARY AFFAIRS; Other; procedure for granting immunity to certain military personnel ordered to respond to acts or threats of terrorism, procedure for apprehending individuals, access restrictions to real property used for military purposes, and plans for defense of state; authorize and clarify. (Rep. R. Richardville)

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134	5506		Yes	3/29	4/1	04/22/02	CRIMES ; Other; crime of using, delivering, or possessing an imitation explosive; include possession as violation. (Rep. C. Phillips)
135	5507		Yes	3/29	4/1	04/22/02	CRIMES ; Other; penalties for knowingly placing a harmful substance in food or water supply; increase. (Rep. G. Woronchak)
136	5509		Yes	3/29	4/1	4/22/2002 #	CRIMES ; Money laundering; terrorism; include in definition of "specified criminal offense". (Rep. N. Quarles)
137		946	Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Sen. W. Van Regenmorter)
138		468	Yes	4/1	4/1	04/01/02	PROPERTY ; Conveyances; certain parcels of state owned property in Genesee, Wayne, and Kalkaska counties; provide for conveyance. (Sen. J. Cherry Jr.)
139		899	Yes	4/1	4/1	04/01/02	LEGISLATURE ; Auditor general; reference to auditor general for federal roads; eliminate. (Sen. T. McCotter)
140	5511		Yes	4/1	4/1	4/22/2002 #	CRIMES ; Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include certain other structures and facilities. (Rep. L. Toy)
141	5512		Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE ; Other; compensation to victims and payment of expenses for government response for terrorism-related offenses; provide for. (Rep. G. Jacobs)
142	5513		Yes	4/1	4/1	05/01/02	CRIMINAL PROCEDURE ; Forfeiture; seizure and forfeiture of property used in connection with a terrorism-related offense; provide for. (Rep. C. LaSata)

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143	5520		Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Rep. D. Bovin)
144		1105	Yes	4/1	4/1	4/1/2002 +	APPROPRIATIONS; Higher education; higher education; provide for fiscal year 2002-2003. (Sen. J. Schwarz)
145		902	Yes	4/1	4/2	04/02/02	LEGISLATURE; Auditor general; reference to auditor general in hospitals and sanatoria; eliminate. (Sen. T. McCotter)
146	5400		Yes	4/1	4/2	04/02/02	INSURANCE; Life; ability to provide excess loss insurance; provide for. (Rep. L. Julian)
147	5328		Yes	4/1	4/2	04/02/02	PROPERTY; Land contracts; definition of “real estate mortgage”; clarify. (Rep. M. Bishop)
148	5118		Yes	Unsigned	4/5	04/05/02	NATURAL RESOURCES; Gas and oil; slant drilling beneath Great Lakes; prohibit except for existing leases. (Rep. S. Shackleton)
149	5021		Yes	4/8	4/8	07/01/02	TRAFFIC CONTROL; Speed restrictions; penalties for violation of speed limit in construction zone; increase number of points added to driving record. (Rep. J. Allen)
150		811	Yes	4/8	4/8	04/08/02	TRANSPORTATION; Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. (Sen. B. Bullard Jr.)
151		812	Yes	4/8	4/8	04/08/02	TRANSPORTATION; Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. (Sen. B. Bullard Jr.)
152	5422		Yes	4/8	4/8	04/08/02	LOCAL GOVERNMENT; Bonds; bonding authority of community colleges; modify. (Rep. T. Meyer)

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153		897	Yes	4/8	4/8	04/08/02	LEGISLATURE; Auditor general; reference to auditor general regarding veterans' trust funds; eliminate. (Sen. T. McCotter)
154		898	Yes	4/8	4/8	04/08/02	LEGISLATURE; Auditor general; reference to auditor general in state board of equalization; eliminate. (Sen. T. McCotter)
155		900	Yes	4/8	4/8	04/08/02	AGRICULTURE; Other; act to reimburse for pest eradication; repeal. (Sen. T. McCotter)
156		901	Yes	4/8	4/8	04/08/02	LEGISLATURE; Auditor general; reference to auditor general for agricultural college lands; eliminate. (Sen. T. McCotter)
157		385	Yes	4/8	4/8	01/01/03	EDUCATION; Board members; requirements for nomination as a candidate for office of school board; revise. (Sen. K. Sikkema)
158		386	Yes	4/8	4/8	01/01/03	ELECTIONS; Candidates; requirements for nomination as a candidate for county commissioner; revise. (Sen. T. McCotter)
159		387	Yes	4/8	4/8	01/01/03	LIBRARIES; District; requirements for nomination as a candidate for district library board; revise. (Sen. B. Hammerstrom)
160		388	Yes	4/8	4/8	01/01/03	LIBRARIES; Other; requirements for nomination as a candidate for office of library board; revise. (Sen. B. Hammerstrom)
161		1100	Yes	4/8	4/8	04/08/02	APPROPRIATIONS; Community colleges; community and junior colleges; provide for fiscal year 2002-2003. (Sen. H. Gast)
162		397	Yes	4/8	4/8	04/08/02	STATE; Symbol; mastodon; establish as state fossil. (Sen. T. McCotter)
163	5335		Yes	4/9	4/9	04/09/02	ELECTIONS; Ballots; provisions regulating names and designations on ballots; revise and clarify. (Rep. A. Richner)
164		346	Yes	4/10	4/11	04/11/02	TORTS; Liability; definition of wrongful or negligent act against a pregnant individual; expand to include the death of the embryo or fetus. (Sen. W. Van Regenmorter)

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165		971	Yes	4/10	4/11	04/11/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the property tax act; modify. (Sen. S. Johnson)
166		973	Yes	4/10	4/11	04/11/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the property tax act; modify. (Sen. D. Byrum)
167		903	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to auditor general regarding certain universities; eliminate. (Sen. T. McCotter)
168		904	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general for certain forest roads; eliminate. (Sen. T. McCotter)
169		905	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general regarding certain education funds; eliminate. (Sen. T. McCotter)
170		906	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in Michigan agricultural college act; eliminate. (Sen. T. McCotter)
171		907	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in sanatoriums act; eliminate. (Sen. T. McCotter)
172		908	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in military bonus bonds act; eliminate. (Sen. T. McCotter)
173		909	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in veterans' military pay act; eliminate. (Sen. T. McCotter)
174		910	Yes	4/23	4/23	04/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general in Korean veterans' pay act; eliminate. (Sen. T. McCotter)

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175		911	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in insect and pests act; eliminate. (Sen. T. McCotter)
176		912	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding bonds for certain state officers; eliminate. (Sen. T. McCotter)
177		913	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in certain state lands; eliminate. (Sen. T. McCotter)
178		915	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain school taxes; eliminate. (Sen. T. McCotter)
179		916	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain state land; eliminate. (Sen. T. McCotter)
180		918	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general for certain tax payments; eliminate. (Sen. T. McCotter)
181	5415		Yes	4/23	4/23	04/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. C. Kolb)
182	5421		Yes	4/23	4/23	04/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of community colleges; modify. (Rep. W. Kuipers)
183	5516		Yes	4/23	4/24	05/01/02	FINANCIAL INSTITUTIONS; Banks; financial institution to seize funds of terrorist organizations; require. (Rep. D. Sheltrown)
184	5517		Yes	4/23	4/24	5/1/02	FINANCIAL INSTITUTIONS; Credit unions; financial institution to seize funds of terrorist organizations; require. (Rep. M. Waters)
185	5518		Yes	4/23	4/24	5/1/02	FINANCIAL INSTITUTIONS; Savings and loan associations; financial institution to seize funds of terrorist organizations; require. (Rep. W. McConico)

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186		829	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority relating to the management of state funds; modify. (Sen. V. Garcia)
187		830	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the executive organization act of 1965; repeal. (Sen. B. Leland)
188		831	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the department of management and budget; modify. (Sen. V. Garcia)
189		832	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority for city exhibition areas; modify. (Sen. A. Smith)
190		835	Yes	4/23	4/24	04/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of tax increment finance authorities; modify. (Sen. V. Garcia)
191		1107	Yes	4/25	4/26	04/26/02	APPROPRIATIONS; School aid; school aid; adjust for fiscal year 2001-2002 and provide for fiscal year 2002-2003. (Sen. L. Stille)
192	5763		Yes	4/26	4/26	04/26/02	EMPLOYMENT SECURITY; Benefits; unemployment benefits; increase, revise calculation and payment, and include Indian tribes. (Rep. R. Richardville)
193		966	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for municipal borrowing; modify. (Sen. G. Peters)
194		967	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for borrowing for road purposes; modify. (Sen. V. Garcia)
195		968	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for bonds or notes for capital improvements; modify. (Sen. R. Emerson)
196		969	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of an employee-owned corporation revolving loan fund; repeal. (Sen. D. Byrum)
197		970	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. B. Bullard Jr.)

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198		972	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. S. Johnson)
199		974	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county improvement act; modify. (Sen. K. DeBeaussaert)
200		975	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county and regional parks; modify. (Sen. A. Sanborn)
201		976	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of home rule cities; modify. (Sen. S. Johnson)
202		978	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of blighted area rehabilitation; modify. (Sen. B. Leland)
203		979	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county zoning act; modify. (Sen. T. McCotter)
204		980	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of township zoning act; modify. (Sen. T. McCotter)
205	5182		Yes	4/26	4/29	04/29/02	OCCUPATIONS; Electricians; installation, maintenance, or servicing of certain lawn irrigation equipment and landscape lighting; exempt from license requirements. (Rep. W. Kuipers)
206	5576		Yes	4/26	4/29	05/01/02	CRIMINAL PROCEDURE; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
207	5480		Yes	4/26	4/29	04/29/02	FOOD; Other; protection of halal food; provide penalties for consumer fraud. (Rep. G. Woronchak)
208	5525		Yes	4/26	4/29	04/29/02	AGRICULTURE; Weights and measures; voluntary registration of certain persons; provide for and update standards. (Rep. G. Van Woerkom)
209	5136		Yes	4/26	4/29	04/29/02	AGRICULTURE; Plants; destruction of certain crops grown for certain purposes; provide civil damages. (Rep. T. Meyer)

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210		1032	Yes	4/26	4/29	04/29/02	CRIMES; Other; provision relating to taunting of an individual as having been a convict or an inmate in a correctional facility or jail; repeal. (Sen. T. McCotter)
211		1027	Yes	4/26	4/29	04/29/02	ADVERTISING; Other; provision relating to sale and distribution of publications reporting certain criminal activity; repeal. (Sen. T. McCotter)
212	5102		Yes	4/26	4/29	04/29/02	CORRECTIONS; Other; short title for department of corrections act; provide for. (Rep. J. Faunce)
213	5623		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Tabor)
214	5625		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. G. DeRossett)
215	5626		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Ehardt)
216	5627		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. D. Mead)
217	5628		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Hummel)
218	5629		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. M. Murphy)
219	5630		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. W. McConico)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
220	5631		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. M. Waters)
221	5632		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. D. Hale)
222	5633		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Pestka)
223		842	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; Michigan tax lien sale and collateralized securities act; repeal. (Sen. B. Hammerstrom)
224		843	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under the revised judiciary act; modify. (Sen. W. Van Regenmorter)
225		844	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of federal facility development act, the federal data facility act, and corresponding income tax credit; repeal. (Sen. J. Schwarz)
226		845	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of townships; modify. (Sen. W. Van Regenmorter)
227		847	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for township water supply and sewage disposal services and facilities; modify. (Sen. B. Bullard Jr.)
228		849	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for township parks and places of recreation; modify. (Sen. B. Bullard Jr.)
229		850	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for public improvements; modify. (Sen. S. Johnson)

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230		851	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of charter townships; modify. (Sen. T. McCotter)
231		855	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of fourth class cities; modify. (Sen. W. North)
232		857	Yes	27-Apr	29-Apr	4/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of a community swimming pool authority; modify. (Sen. W. Van Regenmorter)
233		858	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of recreational authorities; modify. (Sen. S. Johnson)
234		860	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of downtown development authorities; modify. (Sen. B. Bullard Jr.)
235		861	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under local development financing act; modify. (Sen. D. Shugars)
236		862	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under resort district rehabilitation act; modify. (Sen. B. Hammerstrom)
237		864	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for state convention facility development; modify. (Sen. M. Scott)
238		865	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county departments of solid waste management; modify. (Sen. G. Peters)
239		866	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for garbage disposal plants; modify. (Sen. J. Young Jr.)

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240		867	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for city and village garbage disposal; modify. (Sen. J. Young Jr.)
241		868	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of municipal sewage and water supply systems; modify. (Sen. K. DeBeaussiaert)
242		869	Yes	4/27	4/29	4/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under land reclamation and improvement authority act; modify. (Sen. M. Dunaskiss)
243		1166	Yes	4/30	4/30	4/30/02	PROPERTY TAX; State education tax; summer levy; require. (Sen. H. Gast)
244		1165	Yes	4/30	4/30	4/30/02	PROPERTY TAX; Millage; 1-time collection of a summer tax levy; provide for and amend title. (Sen. J. Schwarz)
245	5298		Yes	4/30	4/30	5/1/02	CRIMINAL PROCEDURE; Mental capacity; "guilty but mentally ill" provisions; revise to conform with insanity statute. (Rep. J. Koetje)
246	5411		Yes	4/30	4/30	5/1/02	LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. M. Mortimer)
247		1007	Yes	4/30	4/30	5/1/02	FINANCIAL INSTITUTIONS; Savings banks; financial institution to seize funds of terrorist organizations and report to attorney general; require. (Sen. G. Peters)
248	5624		Yes	4/30	4/30	04/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. L. Julian)
249	5634		Yes	4/30	4/30	04/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. I. Clark)
250		839	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT; Bonds; bonding authority of uniform budgeting and accounting act; modify. (Sen. H. Gast)

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251		882	Yes	5/1	5/1	05/01/02	INSURANCE; No-fault; automobile insurance placement facility to provide for premium surcharges for various infractions; allow. (Sen. A. Sanborn)
252		1026	Yes	5/1	5/1	05/01/02	TRANSPORTATION; Carriers; requirement for vehicles transporting gasoline, benzine, or naphtha to be painted red; eliminate. (Sen. T. McCotter)
253		1057	Yes	5/1	5/1	05/01/02	HIGHWAYS; Construction and repair; widening and altering of state trunk line highways with approval of state administrative board; repeal certain section. (Sen. T. McCotter)
254	5472		Yes	5/1	5/1	05/01/02	ECONOMIC DEVELOPMENT; Brownfield redevelopment authority; specific taxes; include neighborhood enterprise zone act. (Rep. J. Allen)
255	4507		Yes	5/1	5/1	05/01/02	SALES TAX; Exemptions; exemption from paying sales tax on certain items; clarify procedure. (Rep. L. DeVuyst)
256		837	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT; Bonds; bonding authority of local governmental units to accept financial transaction device payments; modify. (Sen. R. Emerson)
257		838	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT; Bonds; bonding authority of local units authorizing and regulating credit card transactions; modify. (Sen. V. Garcia)
258		1006	Yes	5/1	5/1	*** #	AERONAUTICS; Other; criminal background checks on applicants for flight schools; require and provide for refusal to enroll under certain circumstances. (Sen. G. Hart)

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259	5504		Yes	5/1	5/1	05/01/02	TRAFFIC CONTROL; Driver license; criminal background checks on applicants for commercial driver license; require. (Rep. R. Brown)
260		1034	Yes	5/1	5/1	05/01/02	CRIMES; Other; criminal provision relating to inciting an individual to violate a peace treaty with an Indian native or tribe; repeal. (Sen. T. McCotter)
261		1035	Yes	5/1	5/1	5/1/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of inciting an individual to violate a peace treaty with an Indian native or tribe; eliminate. (Sen. T. McCotter)
262		1037	Yes	5/1	5/1	05/01/02	CRIMES; Other; criminal provision relating to the use of bells on cutters and sleighs; repeal. (Sen. D. Koivisto)
263	5152		Yes	5/1	5/1	05/01/02	FINANCIAL INSTITUTIONS; Savings banks; conversion of a chartered savings bank to a mutual holding company; provide for. (Rep. A. Sanborn)
264	4848		Yes	5/8	5/9	05/09/02	LAW ENFORCEMENT; Other; provision regarding the appointment of unqualified undersheriff or deputy sheriff; repeal. (Rep. T. Stamas)
265	5151		Yes	5/8	5/9	01/01/03	CIVIL PROCEDURE; Civil actions; limitation on appeal bond; establish. (Rep. A. Richner)
266	5440		Yes	5/8	5/9	7/15/2002 #	CRIMES; Assaultive; assaulting, resisting, or obstructing an officer causing bodily injury, serious impairment of a body function, or death; prohibit and establish penalties. (Rep. J. Faunce)
267	5211		Yes	5/8	5/9	05/09/02	PROPERTY TAX; Personal property; electronic filing of personal property statement; allow. (Rep. S. Vear)

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268		982	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of community swimming pool authority; modify. (Sen. B. Leland)
269	5441		Yes	5/8	5/9	7/15/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crimes of assaulting, resisting, or obstructing an officer seriously injuring or causing injury, serious impairment, or death; provide for. (Rep. L. Julian)
270	5442		Yes	5/8	5/9	5/9/2002 #	CRIMES; Assaultive; penalties for assaulting, beating, wounding, obstructing, or endangering an officer other than a peace officer; establish. (Rep. J. Kooiman)
271	5443		Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of assaulting, beating, wounding, obstructing, or endangering officers other than peace officers; provide for. (Rep. R. Basham)
272	5601		Yes	5/8	5/9	7/15/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of obstructing firefighter; eliminate. (Rep. M. Kowall)
273		846	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of pavements, sidewalks, and elevated structures; modify. (Sen. J. Young Jr.)
274		848	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of township and village public improvements and public services; modify. (Sen. K. DeBeaussaert)
275		852	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of county boards of commissioners; modify. (Sen. A. Smith)

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276		853	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of general law village act; modify. (Sen. W. North)
277		854	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of home rule village act; modify. (Sen. K. DeBeaussaert)
278		1045	Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of embezzlement of railroad passenger tickets; eliminate. (Sen. C. Dingell)
279		1047	Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of larceny of railroad tickets; eliminate. (Sen. C. Dingell)
280	5568		Yes	5/8	5/9	05/09/02	ECONOMIC DEVELOPMENT; Plant rehabilitation; provision to include electric generating plants; extend sunset. (Rep. N. Cassis)
281	5755		Yes	5/8	5/9	05/09/02	HIGHWAYS; Bridges; provision relating to construction of interstate bridge between Michigan and Wisconsin; repeal. (Rep. B. Patterson)
282	5752		Yes	5/8	5/9	05/09/02	VEHICLES; Equipment; provisions relating to requirement for certain equipment for certain vehicles weighing in excess of 10,000 pounds; repeal. (Rep. B. Patterson)
283	5486		Yes	5/8	5/9	05/09/02	HOUSING; Condominium; multiple amendments of the condominium act; provide for. (Rep. M. Bishop)
284		981	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of city and village zoning act; modify. (Sen. T. McCotter)
285		983	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for neighborhood area improvements; modify. (Sen. A. Smith)

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286		984	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority for permanent improvements by counties; modify. (Sen. W. North)
287		985	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority of local improvement revolving fund; modify. (Sen. A. Smith)
288		986	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority for purchase of fire fighting equipment; modify. (Sen. A. Miller Jr.)
289		988	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority of safe drinking water financial assistance act; modify. (Sen. A. Sanborn)
290		1038	Yes	5/8	5/9	05/09/02	CRIMES ; Robbery; statute relating to entering a train for robbery by means of intimidation; repeal. (Sen. C. Dingell)
291		1039	Yes	5/8	5/9	5/902	CRIMES ; Other; statute relating to forcible detention of a railroad train; repeal. (Sen. C. Dingell)
292		1040	Yes	5/8	5/9	05/09/02	CRIMES ; Robbery; statute relating to seizing a locomotive with mail or express car attached; repeal. (Sen. C. Dingell)
293		1042	Yes	5/8	5/9	05/09/02	CRIMES ; Fraud; criminal provision relating to the issuance of stocks, bonds, or corporate obligations in railroad companies; repeal. (Sen. C. Dingell)
294		1044	Yes	5/8	5/9	05/09/02	CRIMES ; Embezzlement; criminal provision relating to embezzlement of railroad passenger tickets; repeal. (Sen. C. Dingell)
295		1046	Yes	5/8	5/9	05/09/02	CRIMES ; Larceny; statute prohibiting larceny of railroad passenger ticket; repeal. (Sen. C. Dingell)
296		1048	Yes	5/8	5/9	05/09/02	CRIMES ; Counterfeiting; statute prohibiting forgery of railroad tickets; repeal. (Sen. C. Dingell)

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297		1059	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of industrial development revenue bond act of 1963; modify. (Sen. J. Emmons)
298		1060	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of city and village water supply; repeal. (Sen. B. Bullard Jr.)
299		1061	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for public markets; repeal. (Sen. B. Leland)
300		1063	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Michigan municipal distributable aid bond act; modify. (Sen. J. Emmons)
301		1065	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for community airports; modify. (Sen. B. Leland)
302		1066	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of Michigan export development act; modify. (Sen. B. Leland)
303	4057		Yes	5/10	5/10	05/10/02	HEALTH FACILITIES; Nursing homes; quality assurance assessment fee, prohibiting employment by certain health facilities of individuals with certain criminal history, and reporting of certain employer disciplinary action; provide for in certain cases. (Rep. P. Birkholz)
304		748	Yes	5/10	5/10	05/10/02	INSURANCE; Health; health maintenance organization deductibles, quality assurance assessment fee, and medicare supplement policy changes; provide for. (Sen. B. Hammerstrom)
305		685	Yes	5/11	5/13	05/13/02	HIGHWAYS; Name; portion of I-94 in Battle Creek; designate as the “94th Combat Infantry Division Memorial Highway.” (Sen. T. McCotter)
306		856	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT; Bonds; bonding authority of building authorities; modify. (Sen. J. Young Jr.)

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307		1068	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority of veterans' memorials on city lands; repeal. (Sen. J. Schwarz)
308		1069	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for police and fire protection; modify. (Sen. W. Van Regenmorter)
309		1070	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for county fairs and exhibitions; repeal. (Sen. J. Emmons)
310		1071	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for water supply and municipal lighting; repeal. (Sen. B. Bullard Jr.)
311		1072	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for village courthouse or jail; repeal. (Sen. A. Sanborn)
312		1075	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for joint public buildings; modify. (Sen. D. Shugars)
313		1081	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for sewerage disposal plants; repeal. (Sen. K. Sikkema)
314		1083	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for waterfront improvements; repeal. (Sen. B. Bullard Jr.)
315	4799		Yes	5/14	5/14	05/14/02	CITIES ; Home rule; funding for separation of storm water drainage and sanitary sewers on private property; provide for. (Rep. T. Stamas)
316		451	Yes	5/17	5/17	10/01/02	INSURANCE ; Health; timely payment of health care benefits; provide for and establish penalties for noncompliance. (Sen. B. Schuette)
317		452	Yes	5/17	5/17	10/1/2002 #	INSURANCE ; Health care corporations; timely payment of health care benefits; provide for and establish penalties for noncompliance. (Sen. B. Schuette)

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318		934	Yes	5/22	5/22	5/22/2002 #	AERONAUTICS ; Other; criminal background checks on applicants for flight schools ; require. (Sen. J. Gougeon)
319	5138		Yes	5/23	5/23	05/23/02	STATE ; Symbol; historical society; designate as the official historical society of Michigan. (Rep. T. George)
320		1043	Yes	5/23	5/23	7/15/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for crime of issuing stocks, bonds, or corporate obligations in railroad companies; eliminate. (Sen. C. Dingell)
321		1049	Yes	5/23	5/23	7/15/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for crimes of obstructing a firefighter and forging railroad tickets; eliminate. (Sen. C. Dingell)
322		1019	Yes	5/23	5/23	05/23/02	AGRICULTURE ; Other; rule-making authority regarding started pullets; repeal. (Sen. T. McCotter)
323		1025	Yes	5/23	5/23	05/23/02	FINANCIAL INSTITUTIONS ; Banks; provisions relating to the marking of ÓfakeÓ bank bills; repeal. (Sen. T. McCotter)
324	5547		Yes	5/23	5/23	05/23/02	LAW ENFORCEMENT ; State police; provision prohibiting employees of the Michigan state police from participating in political campaigns; repeal. (Rep. S. Hummel)
325	4603		Yes	5/23	5/23	05/23/02	CEMETERIES AND FUNERALS ; Burial; prepaid funeral contracts; increase cap. (Rep. S. Ehardt)
326	5822		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of base conversion authority act; modify. (Rep. B. Palmer)
327	5823		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. C. Bisbee)

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328	5836		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan transportation authorities act of 1967; modify. (Rep. J. Scranton)
329	5839		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state trunk line highway system; modify. (Rep. G. Newell)
330	5840		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority to borrow from the motor vehicle highway fund; modify. (Rep. M. Shulman)
331	5844		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for limited access highways; modify. (Rep. R. Jamnick)
332	5855		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for township and village libraries; modify. (Rep. B. Vander Veen)
333	5845		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for grade separation bonds; modify. (Rep. K. Stallworth)
334	5821		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. R. Jelinek)
335	5837		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of public transportation authority; modify. (Rep. L. Julian)
336	5838		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for highways within townships; modify. (Rep. D. Hart)
337	5841		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for mass transportation system authorities; modify. (Rep. J. Hansen)
338	5842		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for public buildings and bridges; modify. (Rep. J. Pappageorge)
339	5843		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Financing; certain references to the municipal finance act; revise. (Rep. A. Richner)

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- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
340	5846		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for bridge construction and maintenance; repeal. (Rep. K. Daniels)
341	5847		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for interstate bridge near navigable stream; repeal. (Rep. D. Sheltrown)
342	5848		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of aeronautics code; modify. (Rep. D. Bovin)
343	5849		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the community mental health authority; modify. (Rep. S. Caul)
344	5851		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for public library bonds; repeal. (Rep. P. Birkholz)
345	5852		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of district library financing act; modify. (Rep. L. Hager)
346	5854		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for libraries under boards of education; modify. (Rep. J. Stewart)
347	5707		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in Michigan estate tax act; eliminate. (Rep. B. Patterson)
348	5708		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in collection of specific taxes; eliminate. (Rep. B. Patterson)
349	5709		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in certain drain taxes or highway assessments; eliminate. (Rep. B. Patterson)
350	5710		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in certain bonds and obligations; eliminate. (Rep. B. Patterson)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
351	5711		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in highway statute; eliminate. (Rep. B. Patterson)
352	5712		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in aeronautics statute; eliminate. (Rep. B. Patterson)
353	5713		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in drain code; eliminate. (Rep. L. Julian)
354	5714		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; agricultural fair commission act; repeal. (Rep. L. Julian)
355	5717		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in railroad land statute; eliminate. (Rep. A. Lipsey)
356	5718		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in natural resources and environmental protection act; eliminate. (Rep. A. Lipsey)
357		1077	Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of economic development corporation act; modify. (Sen. D. Shugars)
358		1084	Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of Michigan energy employment act of 1976; modify. (Sen. K. Sikkema)
359		639	Yes	5/23	5/23	05/23/02	INSURANCE ; Insurers; priority of claims distribution; modify. (Sen. B. Bullard Jr.)
360	4655		No	5/23	5/23	**	HEALTH ; Funding; priority of funding for family planning programs and services; revise procedure used by department of community health. (Rep. M. Jansen)
361	5220		Yes	5/23	5/23	05/23/02	HIGHWAYS ; Name; renaming a certain portion of business route 196; designate as "Cesar E. Chavez Way." (Rep. J. Voorhees)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
362	5611		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general regarding certain state officers; eliminate. (Rep. B. Patterson)
363	5612		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in compensation of constitutional convention delegates; eliminate. (Rep. B. Patterson)
364	5613		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general regarding impeachments; eliminate. (Rep. B. Patterson)
365	5615		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in a statute regarding deposit of bonds for certain state officers; eliminate. (Rep. B. Patterson)
366	5398		Yes	5/24	5/24	09/01/02	CRIMINAL PROCEDURE ; Defenses; defense of the voluntary consumption or ingestion of alcohol or controlled substance in all criminal cases; bar. (Rep. R. Johnson)
367	5662		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in act regarding department of treasury collections; eliminate. (Rep. B. Patterson)
368	5663		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general; eliminate. (Rep. B. Patterson)
369	5664		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general on state administrative board; eliminate. (Rep. W. Kuipers)
370	5665		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in uniform system of accounting; eliminate. (Rep. W. Kuipers)

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371	5666		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in claims to the state police; eliminate. (Rep. L. Julian)
372	5667		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in state employees' retirement act; eliminate. (Rep. L. Julian)
373	5668		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in assessment on certain improvements; eliminate. (Rep. B. Patterson)
374	5669		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in audit of county sheriffs; eliminate. (Rep. B. Patterson)
375	5670		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in home rule village act; eliminate. (Rep. G. Jacobs)
376	5671		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in fourth class city act; eliminate. (Rep. G. Jacobs)
377	5672		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in disconnection of land from cities or villages; eliminate. (Rep. A. Lipsey)
378	5673		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general receiving notice of vacancy in public offices; eliminate. (Rep. A. Lipsey)
379	5614		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in act regarding employment of clerks and assistants to the governor; eliminate. (Rep. B. Patterson)
380		1168	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Vietnam veteran era bonus act; modify. (Sen. J. Schwarz)

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381		1171	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Michigan family farm development authority; modify. (Sen. A. Smith)
382		1177	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of state building authority act; modify. (Sen. B. Bullard Jr.)
383		1179	Yes	5/28	5/28	05/28/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
384	5661		Yes	5/29	5/30	05/30/02	LEGISLATURE; Auditor general; reference to auditor general for certain expenses; eliminate. (Rep. B. Patterson)
385		1169	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of state housing development authority; modify. (Sen. A. Smith)
386		1178	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Financing; certain references to the municipal finance act; revise. (Sen. B. Bullard Jr.)
387		1180	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
388		1181	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
389		1182	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
390		776	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Other; consumer financial services act; amend to prohibit individuals who committed fraud from being licensed. (Sen. G. Steil)

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391		777	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; mortgage brokers, lenders, and servicers licensing act; provide for amendments. (Sen. G. Steil)
392		778	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; secondary mortgage act; provide for amendments. (Sen. G. Steil)
393		779	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; regulatory loan act; provide for amendments. (Sen. G. Steil)
394		780	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Checks and drafts; sale of checks act; provide for amendments. (Sen. G. Steil)
395	5850		Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of municipal health facilities corporations; modify. (Rep. C. LaSata)
396	4625		Yes	5/29	5/30	5/30/2002 #	ENVIRONMENTAL PROTECTION; Funding; general obligation bonds; authorize to finance sewage treatment works projects, storm water projects, and nonpoint source projects that improve the quality of the waters of the state. (Rep. B. Patterson)
397	5892		Yes	5/29	5/30	*** #	ENVIRONMENTAL PROTECTION; Funding; general obligation bonds; provide for issuance to finance sewage treatment works projects, stormwater projects, and nonpoint source projects, that improve the quality of the waters of the state. (Rep. T. Meyer)
398	5893		Yes	5/29	5/30	*** #	ENVIRONMENTAL PROTECTION; Funding; state water pollution control revolving fund; modify criteria for expenditures. (Rep. D. Mead)

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399	5237		Yes	5/29	5/30	05/30/02	ELECTIONS; Political parties; ballot access; revise requirements for. (Rep. L. Drolet)
400	5454		Yes	5/29	5/30	05/30/02	TORTS; Liability; governmental liability for negligence; add volunteers to certain provisions. (Rep. M. Bishop)
401		1096	Yes	6/3	6/3	06/03/02	DISABILITIES; Travel aids used by blind persons; include walkers. (Sen. B. Hammerstrom)
402		517	Yes	6/3	6/3	06/03/02	OCCUPATIONS; Physicians; referral of patients to facilities in which a physician has a financial interest; allow under certain circumstances. (Sen. B. Hammerstrom)
403		834	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority to pool investments; modify. (Sen. B. Bullard Jr.)
404		840	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state revenue sharing act; modify. (Sen. R. Emerson)
405		863	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the emergency municipal loan act; modify. (Sen. A. Miller Jr.)
406		870	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the drain code of 1956; modify. (Sen. G. McManus Jr.)
407		977	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the county department and board of public works; modify. (Sen. K. DeBeaussaert)
408		1064	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the local government fiscal responsibility act; modify. (Sen. A. Sanborn)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
409		1067	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of cities and villages owning public utilities; modify. (Sen. M. Scott)
410		1073	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan district act; modify. (Sen. A. Smith)
411		1076	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan council act; modify. (Sen. D. Shugars)
412		1078	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of port authorities; modify. (Sen. K. Sikkema)
413		1079	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of brownfield redevelopment financing act; modify. (Sen. K. Sikkema)
414		1080	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of low-level radioactive waste authorities; modify. (Sen. G. Peters)
415		1082	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority for joint water and sewage disposal; modify. (Sen. K. Sikkema)
416		1167	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority related to state indebtedness; modify. (Sen. G. Peters)
417	5899		Yes	6/5	6/5	06/05/02	VEHICLES; Registration; definition of “wood harvesting” for purposes of transportation; revise to include raw materials produced in the woods or as produced at the harvest site. (Rep. S. Shackleton)
418		989	Yes	6/5	6/5	06/05/02	ENVIRONMENTAL PROTECTION; Toxic substances; pesticide control act; provide general amendments. (Sen. G. McManus Jr.)

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419		627	Yes	6/5	6/5	06/05/02	CONSTRUCTION; Equipment; technical amendments; provide for. (Sen. B. Hammerstrom)
420	5475		Yes	6/5	6/5	06/05/02	TRANSPORTATION; Railroads; maintenance of railroad grades; require written permission from both railroad and road authority to commence work and regulate the charge of certain fees. (Rep. J. Gilbert II)
421	5521		No	6/5	6/5	**	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for violations of the grain dealers act; provide for. (Rep. T. Meyer)
422		645	Yes	6/5	6/5	10/01/02	TRAFFIC CONTROL; Driver license; person making false bomb threat; include penalty prohibiting eligibility to obtain driver license until 21 years of age. (Sen. V. Garcia)
423		1009	Yes	6/5	6/5	06/05/02	OCCUPATIONS; Dental hygienists; education requirements for the administration of local anesthesia and nitrous oxide analgesia; clarify. (Sen. D. Shugars)
424	4217		Yes	6/5	6/5	06/05/02	HOUSING; Landlord and tenants; housing-with-services contract act; create. (Rep. J. Scranton)
425	5750		Yes	6/5	6/5	06/05/02	AGRICULTURE; Other; motor fuels quality act; remove certain rule-making authority of the department of agriculture. (Rep. B. Patterson)
426		1056	Yes	6/5	6/5	06/05/02	HIGHWAYS; Bridges; provision relating to construction of interstate bridge between Michigan and Wisconsin; repeal. (Sen. T. McCotter)
427	5107		Yes	6/5	6/5	06/05/02	WORKER'S COMPENSATION; Disabilities; members of a volunteer underwater diving team; include. (Rep. J. Vander Roest)

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428		891	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to auditor general regarding brine pipeline companies; eliminate. (Sen. T. McCotter)
429		893	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to auditor general in the revised judicature act of 1961; eliminate. (Sen. T. McCotter)
430		917	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain purchases of state land; eliminate. (Sen. T. McCotter)
431	5466		Yes	6/6	6/6	06/06/02	ELECTIONS; Petitions; post office box on petitions; change to zip code and eliminate time deadlines for local ballot questions for year 2002. (Rep. A. Richner)
432	6114		Yes	6/6	6/6	06/06/02	CITIES; Boards and commissions; members of the Detroit city council; revise, subject to a vote, and establish redistricting commission. (Rep. K. Daniels)
433		422	Yes	6/10	6/10	06/10/02	BUSINESSES; Business corporations; certain provisions dealing with foreign corporations, winding up operations, and dissolution for insolvency; repeal. (Sen. B. Bullard Jr.)
434	5556		Yes	6/10	6/10	06/10/02	NATURAL RESOURCES; Fishing; miles of designated trout streams ; authorize department to increase and allow children to take 1 fish. (Rep. J. Allen)
435		1172	Yes	6/10	6/10	06/10/02	LOCAL GOVERNMENT; Bonds; bonding authority of the hospital authority; modify. (Sen. G. Peters)
436		1173	Yes	6/10	6/10	06/10/02	LOCAL GOVERNMENT; Bonds; bonding authority of the hospital finance authority act; modify. (Sen. G. Peters)

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437	4874		Yes	6/10	6/11	08/01/02	CIVIL RIGHTS; Privacy; disclosure of certain information regarding students of local or intermediate school districts or public school academies; exempt from freedom of information act. (Rep. T. Stamas)
438		738	Yes	6/10	6/11	06/11/02	BUSINESSES; Business corporations; rights of foreign corporations to maintain civil actions in this state; amend. (Sen. B. Bullard Jr.)
439		112	Yes	6/12	6/13	06/13/02	LOCAL GOVERNMENT; Other; reference to “Dominion of Canada” and definition of “agency of the United States government”; revise in urban cooperation act. (Sen. B. Schuette)
440		540	Yes	6/12	6/13	06/13/02	PROPERTY; Conveyances; certain state owned land in Macomb county; convey subject to certain restrictions. (Sen. J. Gougeon)
441	4994		Yes	6/12	6/13	06/13/02	HEALTH; Occupations; procedure for issuance of health professional license for certain individuals with health professional license issued in other state or any province of Canada; provide for. (Rep. A. Hardman)
442		1278	Yes	6/14	6/14	***	SINGLE BUSINESS TAX; Other; technical amendments for foreign persons; enact. (Sen. B. Bullard Jr.)
443		1204	Yes	6/17	6/17	06/17/02	TAXATION; Other; state tax on low grade iron ore; reduce and modify. (Sen. D. Koivisto)
444		841	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; bonding authority of fiscal stabilization act; modify. (Sen. B. Bullard Jr.)
445		859	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; bonding authority of urban cooperation act; modify. (Sen. S. Johnson)

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446		987	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; bonding authority of charter water authorities; modify. (Sen. J. Young Jr.)
447		1074	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; bonding authority of port districts; modify. (Sen. B. Bullard Jr.)
448		1269	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the state trunk line highway system; modify. (Sen. J. Emmons)
449		1300	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; state loans to school districts; modify. (Sen. J. Emmons)
450		1313	Yes	6/17	6/17	06/17/02	EDUCATION ; Financing; definition of interest on qualified bonds for purposes of school bond loan fund; modify. (Sen. J. Emmons)
451		1265	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT ; Bonds; state trunk line system; modify. (Sen. J. Emmons)
452		1248	Yes	6/21	6/21	6/21/2002 #	SALES TAX ; Exemptions; mobile sourcing; provide for technical amendment. (Sen. J. Emmons)
453		1124	Yes	6/21	6/21	06/21/02	VEHICLES ; Other; certain motor home requirements; revise. (Sen. W. North)
454		415	Yes	6/21	6/21	06/21/02	NATURAL RESOURCES ; Rivers and streams; Michigan heritage water trail program; develop. (Sen. P. Hoffman)
455		477	Yes	6/21	6/21	6/21/2002 #	USE TAX ; Collections; certain aggregated taxable and nontaxable telephone, telegraph, or leased wire communications; allow for department to tax only taxable communications if provider can identify and separate on its books. (Sen. V. Garcia)

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456		824	Yes	6/21	6/21	6/21/2002 #	USE TAX; Collections; tax on mobile telecommunications; provide for sourcing. (Sen. J. Emmons)
457	5992		Yes	6/21	6/21	06/21/02	SALES TAX; Other; sales tax license fee; eliminate. (Rep. G. DeRossett)
458	5832		Yes	6/21	6/21	06/21/02	AGRICULTURE; Animals; revisions to livestock inspection and zoning procedures; provide for. (Rep. M. Pumford)
459	5778		Yes	6/21	6/21	06/21/02	OCCUPATIONS; Individual licensing and regulation; procedures for fingerprinting Michigan state bar licensing applicants; require to comply with federal mandates. (Rep. J. Faunce)
460	6043		Yes	6/21	6/21	06/21/02	ECONOMIC DEVELOPMENT; Downtown development authorities; exemption for village of Millington from certain filing requirements; provide for. (Rep. T. Meyer)
461	5758		Yes	6/21	6/21	06/21/02	WATER; Quality; arsenic testing program; extend sunset. (Rep. R. Johnson)
462	5927		Yes	6/21	6/21	06/21/02	INSURANCE; Insurers; qualified investment provisions; revise. (Rep. A. Richner)
463		928	Yes	6/21	6/21	06/21/02	LAW ENFORCEMENT; Fingerprinting; fee increases for fingerprint processing; provide for. (Sen. P. Hoffman)
464	5361		Yes	6/21	6/21	06/21/02	TRADE; Vehicles; periodic inspection requirements of body shops; eliminate. (Rep. D. Woodward)
465		965	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT; Bonds; revenue bonding act bonding authority; modify. (Sen. J. Emmons)
466		1267	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state trunk line highway system; modify. (Sen. J. Emmons)
467		1301	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT; Bonds; bonding authority for state trunk line highway system; modify. (Sen. J. Emmons)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
468		217	Yes	6/21	6/21	06/21/02	OCCUPATIONS; Service occupations; appliance service dealers; define, provide for certain disclosures, and provide for remedies. (Sen. B. Bullard Jr.)
469		116	Yes	6/21	6/21	06/21/02	OCCUPATIONS; Pawnbrokers; regulation of pawnbrokers; revise to include other governmental units. (Sen. B. Schuette)
470		1201	Yes	6/21	6/21	06/21/02	STATE; Authorities; reporting of securities issued by state agencies; provide for. (Sen. B. Bullard Jr.)
471		1230	Yes	6/21	6/21	06/21/02	GAMING; Lottery; percentage of lottery payout; extend sunset provision. (Sen. J. Schwarz)
472		927	Yes	6/21	6/21	10/01/02	CRIMINAL PROCEDURE; Appeals; fee for application to set aside conviction; increase. (Sen. P. Hoffman)
473		425	Yes	6/21	6/21	10/01/02	OCCUPATIONS; Security guards; transfer of certain functions to department of consumer and industry services; provide for and revise certain fees. (Sen. P. Hoffman)
474		929	Yes	6/21	6/21	10/01/02	OCCUPATIONS; Private detectives; transfer of certain functions to the department of consumer and industry services and revision of fees for private detective licensure; provide for. (Sen. P. Hoffman)
475		992	Yes	6/21	6/21	10/1/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of conducting business as private detective or private investigator without license; amend to reflect increased penalties. (Sen. P. Hoffman)
476	4462		Yes	6/27	6/27	06/27/02	SCHOOL AID; Penalties; certain days and hours when instruction not provided due to train derailment; allow to be counted as days and hours of instruction for 2001-2002. (Rep. T. Meyer)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
477	5805		Yes	6/27	6/27	***	ECONOMIC DEVELOPMENT; Renaissance zones; requirement for local unit of government to apply to the board when extending the time to a sub-renaissance zone; provide for. (Rep. J. Allen)
478	5806		Yes	6/27	6/27	06/27/02	ECONOMIC DEVELOPMENT; Renaissance zones; application and approval procedures for renaissance zone status; clarify. (Rep. J. Rivet)
479	5587		Yes	6/27	6/27	06/27/02	PROPERTY TAX; Payment and collection; collection procedures for delinquent taxes levied on certain buildings and improvements located on certain leased real property; revise. (Rep. N. Cassis)
480	5991		Yes	6/27	6/27	6/27/2002 #	COMMERCIAL CODE; Secured transactions; reference to special tools lien act; provide for in the uniform commercial code. (Rep. C. LaSata)
481	5993		Yes	6/27	6/27	06/27/02	LIENS; Generally; nonpossessory lien of certain special tools ; create. (Rep. A. Richner)
482		920	Yes	6/27	6/27	06/27/02	PROPERTY; Conveyances; certain parcels of state owned property in Branch county and Wayne county; provide for and transfer certain property between state departments. (Sen. P. Hoffman)
483	5279		Yes	6/27	6/27	10/01/02	CRIMINAL PROCEDURE; Other; posttrial bail for person convicted of certain assaultive crimes; prohibit and increase certain probation fees and expand certain peace officers' jurisdiction to pursue lawbreakers. (Rep. G. Woronchak)
484	6062		Yes	6/27	6/27	06/27/02	HEALTH FACILITIES; Other; local government appropriations from general fund to municipal health facilities; eliminate cap. (Rep. C. LaSata)

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485	5804		Yes	6/27	6/27	10/01/02	TRADE; Vehicles; flood vehicle title branding; provide for and revise special plate requirements for manufacturer test vehicles. (Rep. C. Phillips)
486	5591		Yes	6/27	6/27	06/27/02	INCOME TAX; Forms; listing of credits and deductions in instruction booklet and on treasury website; require. (Rep. N. Cassis)
487	5928		Yes	6/27	6/27	06/27/02	AGRICULTURE; Other; revisions and clarification of food law; provide for. (Rep. R. Johnson)
488	5889		Yes	6/27	6/28	06/28/02	STATE AGENCIES (EXISTING); Other; process for historical markers; modify and provide funding. (Rep. L. Julian)
489	5807		Yes	6/27	6/28	06/28/02	COUNTIES; Financing; issuance of bonds to expedite county monumentation and remonumentation plan; allow. (Rep. S. Shackleton)
490	5362		Yes	7/2	7/3	10/01/02	VEHICLES; License plates; dealer plate fee; revise. (Rep. P. Gielegthem)
491	5360		Yes	7/2	7/3	07/03/02	TRADE; Vehicles; certain inspection requirements of dealers; eliminate. (Rep. S. Hummel)
492		991	No	7/2	7/3	**	INSURANCE; Insurers; certain eligibility provisions; revise. (Sen. A. Sanborn)
493		1268	Yes	7/2	7/3	07/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state trunk line highway system; modify. (Sen. J. Emmons)
494		1016	Yes	7/2	7/3	07/03/02	VEHICLES; Other; “electric personal assistive mobility device”; define and regulate. (Sen. B. Bullard Jr.)
495	5819		Yes	7/2	7/3	07/03/02	OCCUPATIONS; Architects, professional engineers, and surveyors; exemptions from article 20; revise and clarify. (Rep. W. Kuipers)

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496	5380		Yes	7/2	7/3	7/3/2002 #	ENVIRONMENTAL PROTECTION; Solid waste; scrap tire regulations; provide general amendments. (Rep. D. Mead)
497		1324	Yes	7/2	7/3	10/1/2002 #	ENVIRONMENTAL PROTECTION; Funding; title transfer fee for the scrap tire regulatory fund; provide for. (Sen. B. Hammerstrom)
498	5383		Yes	7/2	7/3	07/03/02	TRANSPORTATION; Funds; uniform definition of maintenance; provide for. (Rep. T. George)
499	5396		Yes	7/2	7/3	07/03/02	TRANSPORTATION; Other; asset management system; create. (Rep. L. Julian)
500		1314	Yes	7/2	7/3	07/03/02	LOCAL GOVERNMENT; Bonds; provisions regarding swaps; modify. (Sen. J. Emmons)
501		356	Yes	7/13	7/15	07/15/02	PROPERTY TAX; Payment and collection; collection date of certain special assessments for townships; permit collection in July. (Sen. G. McManus Jr.)
502		1359	Yes	7/15	7/16	07/16/02	CORRECTIONS; Parole; parole supervision fees; revise. (Sen. W. North)
503	5248		Yes	7/18	7/18	07/18/02	TAXATION; Tobacco; taxation on cigarettes; increase and modify distribution. (Rep. K. Stallworth)
504	5883		Yes	7/19	7/19	07/19/02	STATE; Purchasing; procedure for department of management and budget to award bids; require to be based on qualifications of certain professionals. (Rep. D. Mead)
505	5860		Yes	7/19	7/19	07/19/02	PROPERTY TAX; Assessments; use of computerized data base for tax roll; allow for county treasurers. (Rep. P. Birkholz)
506		1358	Yes	7/19	7/19	07/19/02	CRIMINAL PROCEDURE; Warrants; public availability of search warrant affidavit; clarify. (Sen. B. Bullard Jr.)

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507	4719		No	7/19	7/19	**	WATER; Quality; testing of water at bathing beaches; provide notice to the public. (Rep. P. Birkholz)
508	6066		Yes	7/23	7/23	07/23/02	STATE AGENCIES (EXISTING); Other; department of history, arts, and libraries; establish the Michigan film advisory commission and the Michigan film office. (Rep. J. Allen)
509	4414		Yes	7/23	7/23	07/23/02	ELECTIONS; Election officials; election inspector; allow any qualified registered elector of county to serve as inspector in school elections. (Rep. P. Birkholz)
510	6002		Yes	7/23	7/23	07/23/02	SALES TAX; International sporting events; create some exemptions. (Rep. C. Bisbee)
511		1370	Yes	7/23	7/23	07/23/02	USE TAX; Definitions; limited liability company; add to definition of person and provide for some exemptions for certain international sporting events. (Sen. J. Emmons)
512	6071		Yes	7/23	7/23	07/23/02	ECONOMIC DEVELOPMENT; Renaissance zones; alternative energy zone; create. (Rep. G. DeRossett)
513	5457		Yes	7/23	7/23	07/23/02	PUBLIC UTILITIES; Electric utilities; municipally owned electric utilities transfer of transmission facilities; clarify definitions. (Rep. K. Bradstreet)
514	5649		Yes	7/19	7/25	07/25/02	APPROPRIATIONS; Military affairs; department of military affairs; provide for fiscal year 2002-2003. (Rep. C. Brown)
515	5648		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Other; judiciary budget; provide for fiscal year 2002-2003. (Rep. P. Godchaux)
516	5642		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Agriculture; department of agriculture; provide for fiscal year 2002-2003. (Rep. M. Pumford)
517	5643		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Other; department of career development and Michigan strategic fund; provide for fiscal year 2002-2003. (Rep. S. Caul)

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518		1099	Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Capital outlay; 2002-2003 fiscal year; provide for. (Sen. H. Gast)
519		1101	Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Community health; department of community health; provide for fiscal year 2002-2003. (Sen. J. Gougeon)
520		1104	Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Environmental quality; department of environmental quality; provide for fiscal year 2002-2003. (Sen. L. Bennett)
521	5881		Yes	7/25	7/25	07/25/02	SCHOOL AID; Fiscal year appropriations; appropriations for 2003-2004 fiscal year; provide for and make revisions to school aid act due to proposed changes in accreditation and assessment programs. (Rep. C. LaSata)
522		1103	Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Education; department of education; provide for fiscal year 2002-2003. (Sen. L. Stille)
523	5647		Yes	7/25	7/25	07/25/02	APPROPRIATIONS; Other; department of history, arts, and libraries; provide for fiscal year 2002-2003. (Rep. M. Shulman)
524		1102	Yes	7/25	7/25	07/25/02	APPROPRIATIONS; Corrections; department of corrections; provide for fiscal year 2002-2003. (Sen. W. North)
525		1106	Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Natural resources; department of natural resources; provide for fiscal years 2001-2002 and 2002-2003. (Sen. G. McManus Jr.)
526	5650		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; State police; department of state police; provide for fiscal year 2002-2003. (Rep. C. Brown)
527	5644		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Consumer and industry services; department of consumer and industry services and Michigan jobs commission; provide for fiscal year 2002-2003. (Rep. M. Shulman)

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528	5646		Yes	7/25	7/25	7/25/2002 + #	APPROPRIATIONS; General; general government; provide for fiscal year 2002-2003. (Rep. J. Pappageorge)
529	5645		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Family independence agency; family independence agency; provide for fiscal year 2002-2003. (Rep. M. Jansen)
530	4373		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Supplemental; supplemental appropriation; provide for fiscal years 2000-2001 and 2002-2003. (Rep. M. Shulman)
531		1322	Yes	7/25	7/25	07/25/02	SINGLE BUSINESS TAX; Credit; companies that research, develop, or produce alternative energy technologies; provide exemption, and provide incentive for certain investments. (Sen. J. Emmons)
532	5458		Yes	7/25	7/25	07/25/02	PUBLIC UTILITIES; Electric utilities; municipally owned electric utilities transfer of transmission facilities; allow. (Rep. J. Rivet)
533	5459		Yes	7/25	7/25	07/25/02	PUBLIC UTILITIES; Electric utilities; municipally owned electric utilities transfer of transmission facilities; clarify. (Rep. B. Vander Veen)
534		1232	Yes	7/25	7/26	10/01/02	TRAFFIC CONTROL; Driver license; commercial driver license revisions; provide for compliance with federal law. (Sen. J. Schwarz)
535		1094	Yes	7/25	7/26	07/26/02	TRANSPORTATION; Carriers; front loading device or boom; prohibit movement on highway under certain conditions. (Sen. J. Schwarz)
536		809	Yes	7/25	7/26	07/26/02	LAW ENFORCEMENT; Local police; exemption of weapons used by law enforcement officers; revise. (Sen. V. Garcia)
537		926	Yes	7/25	7/26	07/26/02	HIGHER EDUCATION; Financial aid; time period for use of Michigan merit award scholarship; shorten to 4 years and prescribe application deadline. (Sen. J. Schwarz)

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538		1241	Yes	7/25	7/26	01/22/03	INSURANCE; Health; coverage for “off-label” drug use; provide for. (Sen. J. Schwarz)
539		1242	Yes	7/25	7/26	01/22/03	INSURANCE; Health care corporations; coverage for “off-label” drug use; provide for. (Sen. J. Schwarz)
540	5336		Yes	7/25	7/26	07/26/02	LIBRARIES; District; millage cap; allow for reduced amount of tax in a district library agreement and authorize consolidated district libraries in certain circumstances. (Rep. D. Mead)
541		1302	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT; Financing; technical amendments to the revised municipal finance act; provide for. (Sen. J. Emmons)
542		1275	Yes	7/25	7/26	10/01/02	CRIMINAL PROCEDURE; Sex offender registration; certain sexual offenders who are employed by or are students at institutions of higher education to make certain reports to certain police agencies; require. (Sen. B. Hammerstrom)
543		184	Yes	7/25	7/26	07/26/02	TORTS; Immunity; physician’s assistants; add to list of medical professions granted immunity from liability under certain circumstances. (Sen. J. Schwarz)
544		794	Yes	7/25	7/26	07/26/02	RECORDS; Birth; live birth records over 100 years old; allow any person to obtain a certified copy from the state registrar or a local registrar. (Sen. J. Schwarz)
545		833	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT; Bonds; bonding authority to purchase lands and property for public purposes; modify. (Sen. D. Byrum)
546		1174	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT; Bonds; bonding authority of the higher education facilities authority; modify. (Sen. D. Byrum)

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547		1175	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the higher education loan authority; modify. (Sen. D. Byrum)
548		1176	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT ; Bonds; bonding authority for financing student loan programs ; modify. (Sen. D. Byrum)
549	6074		Yes	7/25	7/26	07/26/02	PROPERTY TAX ; Personal property; alternative energy system, vehicles, and technology; exempt. (Rep. R. Richardville)
550		534	Yes	7/25	7/26	7/26/2002 #	CEMETERIES AND FUNERALS ; Other; sale of cemetery assets under certain circumstances; allow. (Sen. L. Stille)
551		535	Yes	7/25	7/26	7/26/2002 #	LOCAL GOVERNMENT ; Other; procedure for acquisition of certain cemeteries by municipal corporations; revise. (Sen. L. Stille)
552	5365		Yes	7/25	7/26	10/01/02	TRADE; Vehicles ; deadline for forwarding certificates of title to vehicle purchaser and special permits for certain wide vehicles; provide for. (Rep. S. Thomas III)
553		924	Yes	7/25	7/26	10/1/2002 #	STATE ; Identification cards; design of state identification cards; revise. (Sen. S. Johnson)
554		925	Yes	7/25	7/26	10/1/2002 #	TRAFFIC CONTROL ; Driver license; design of driver licenses; revise. (Sen. L. Bennett)
555		1062	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT ; Bonds; bonding authority for gifts of property to municipalities; modify. (Sen. V. Garcia)
556		1170	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT ; Bonds; bonding authority of Michigan strategic fund; modify. (Sen. D. Byrum)

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557		1266	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT; Bonds; bonding authority of state trunk line system; modify. (Sen. J. Emmons)
558		395	Yes	8/27	8/28	08/28/02	HOLIDAYS; “Michigan day of remembrance of the Armenian genocide of 1915-1923”; designate as April 24. (Sen. T. McCotter)
559		749	Yes	9/27	9/27	09/27/02	INSURANCE; Health care corporations; change in nonprofit status and medicare supplement certificate; clarify and provide changes. (Sen. B. Bullard Jr.)
560		287	Yes	9/30	9/30	09/30/02	APPROPRIATIONS; Supplemental; supplemental for certain state agencies for fiscal year 2001-2002; provide for. (Sen. H. Gast)
561	5651		Yes	9/30	9/30	9/30/2002 +	APPROPRIATIONS; Transportation; state transportation department; provide for fiscal year 2002-2003. (Rep. S. Shackleton)
562		1323	Yes	10/1	10/1	10/01/02	RECORDS; Death; certificate of stillbirth, revised authorization for final disposition of stillborn fetus, and quality assurance assessment fee; provide for. (Sen. L. Bennett)
563	5637		Yes	10/1	10/2	10/02/02	HIGHWAYS; Name; certain portion of M-82; designate as the “Korean War Veterans Memorial Highway.” (Rep. M. Pumford)
564	6008		No	10/3	10/3	**	STATE AGENCIES (EXISTING); Family independence agency; office of child support; authorize centralized enforcement of title IV-D services. (Rep. D. Hart)
565	6004		Yes	10/3	10/3	12/1/2002 #	CHILDREN; Support; enforcement of child support arrearage liens on financial assets; revise procedures. (Rep. J. Howell)

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566	6005		Yes	10/3	10/3	12/01/02	WORKER'S COMPENSATION; Other; access to certain records for income withholding on worker's compensation payments; provide for child support enforcement. (Rep. C. Bisbee)
567	6006		Yes	10/3	10/3	06/01/03	CHILDREN; Support; payer's arrest under bench warrant; revise provisions and require cash performance bond. (Rep. J. Koetje)
568	6007		Yes	10/3	10/3	12/01/02	FAMILY LAW; Friend of the court; process for custody or parenting time order violations; clarify and revise. (Rep. A. Raczkowski)
569	6009		Yes	10/3	10/3	12/1/2002 #	FAMILY LAW; Friend of the court; uninsured health care expenses and violations of custody or parenting time orders; enact provisions regarding enforcement process and procedure. (Rep. B. Vander Veen)
570	6010		Yes	10/3	10/3	06/01/03	CHILDREN; Support; assignment, redirection, or abatement of child support; provide for. (Rep. M. Jansen)
571	6011		Yes	10/3	10/3	*** #	FAMILY LAW; Friend of the court; friend of the court case; define and enact related provisions, and reduce arrearage amount that triggers enforcement activities. (Rep. L. Toy)
572	6012		Yes	10/3	10/3	12/1/2002 #	FAMILY LAW; Friend of the court; administration of domestic relations matters; amend support and parenting time enforcement act to incorporate concept of friend of the court case. (Rep. B. Patterson)
573	6017		Yes	10/3	10/3	12/01/02	STATE AGENCIES (EXISTING); Family independence agency; office of inspector general; establish. (Rep. J. Allen)
574	6020		Yes	10/3	10/3	12/01/02	CHILDREN; Custody; family support act; add provisions regarding custody and parenting time. (Rep. J. Voorhees)

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575	5896		Yes	10/3	10/3	10/03/02	ECONOMIC DEVELOPMENT ; Tax increment financing; certified technology parks; modify requirements. (Rep. M. Shulman)
576	4147		Yes	10/3	10/3	10/03/02	LOCAL GOVERNMENT ; Special assessments; charter township authority to impose special assessments for sanitary sewer improvements; expand. (Rep. J. Rivet)
577	4080		Yes	10/3	10/3	11/01/02	COMMUNICATIONS ; Telephone; malicious telephone calls; increase penalties. (Rep. M. Middaugh)
578	4599		Yes	10/3	10/3	10/03/02	TRADE ; Hazardous substances; sale of mercury thermometers in the state of Michigan; prohibit. (Rep. J. Minore)
579		593	Yes	10/10	10/14	10/14/2002 #	SALES TAX ; Other; requirement to withhold issuance of certification of dissolution or withdrawal for unpaid taxes; eliminate. (Sen. B. Bullard Jr.)
580		594	Yes	10/10	10/14	10/14/02	USE TAX ; Other; requirement to withhold issuance of certification of dissolution or withdrawal for unpaid taxes; eliminate. (Sen. B. Bullard Jr.)
581		595	Yes	10/10	10/14	10/14/02	INCOME TAX ; Other; requirement to withhold issuance of certificate of dissolution or withdrawal until taxes paid; repeal. (Sen. B. Bullard Jr.)
582		1020	Yes	10/10	10/14	10/14/02	AGRICULTURE ; Other; rule-making authority regarding baskets; delete. (Sen. D. Byrum)
583	6041		Yes	10/10	10/14	1/1/2003 #	CRIMINAL PROCEDURE ; Bail; extradition waiver; require as a condition of bail. (Rep. R. Richardville)

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- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
584	6042		Yes	10/10	10/14	1/1/2003 #	CRIMINAL PROCEDURE; Extradition; release on bond of certain individuals subject to the uniform extradition act; prohibit and allow recovery of certain costs relating to extradition. (Rep. C. Brown)
585		1086	Yes	10/10	10/14	10/14/02	TOWNSHIPS; Financing; public funding for sound attenuation walls ; allow. (Sen. V. Garcia)
586	6054		Yes	10/14	10/15	10/17/2002 #	HIGHER EDUCATION; Financial aid; funding nursing scholarship program; provide from Michigan merit award trust fund. (Rep. B. Vander Veen)
587		1315	Yes	10/16	10/16	10/16/02	ECONOMIC DEVELOPMENT; Renaissance zones; alternative energy zone; create. (Sen. D. Koivisto)
588	6073		Yes	10/16	10/16	10/16/02	SINGLE BUSINESS TAX; Credit; companies with qualified research related to pharmaceutical based business activity; provide for credit. (Rep. B. Vander Veen)
589		554	Yes	10/17	10/17	10/17/2002 #	MENTAL HEALTH; Code; definition of regional entity; add. (Sen. S. Johnson)
590		1119	Yes	10/17	10/17	10/17/02	OCCUPATIONS; Dentists; Michigan board of dentistry; clarify that 1 dentist member must be a dental school faculty member. (Sen. T. McCotter)
591		793	Yes	10/17	10/17	10/17/2002 #	HIGHER EDUCATION; Financial aid; nursing scholarship program; create. (Sen. J. Schwarz)
592		562	Yes	10/17	10/17	*** #	EDUCATION; Examinations; state to notify school district about suspected MEAP irregularities and provide opportunity to respond before reporting to any other entity; require. (Sen. V. Garcia)
593		1316	Yes	10/17	10/17	10/17/02	STATE; Authorities; Michigan next energy authority; create. (Sen. B. Hammerstrom)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
594		555	Yes	10/17	10/17	10/17/02	MENTAL HEALTH ; Code; establishment of regional entity; allow. (Sen. B. Hammerstrom)
595		556	Yes	10/17	10/17	10/17/02	MENTAL HEALTH ; Community mental health; risk and cost sharing; allow under certain circumstances. (Sen. S. Johnson)
Veto	4022					03/15/02	TRAFFIC CONTROL ; Speed restrictions; speed limits; allow input by townships in setting certain speed limits. (Rep. R. Jamnick)
Veto	4990					07/23/02	EDUCATION ; Special; membership on special education advisory board; revise. (Rep. W. Kuipers)
Veto	5103					07/06/02	OCCUPATIONS ; Health care professions; Òhealth profession specialty field certificationÓ and quality assurance assessment fee for hospitals; revise term to Òhealth profession specialty field licenseÓ and provide for. (Rep. R. Basham)
Veto		117				07/25/02	SINGLE BUSINESS TAX ; Rate; accelerated reduction; provide for under certain circumstances. (Sen. G. Steil)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the office of regulatory reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 RULE FILINGS)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
28.1001	*	20	28.1129	R	20	28.1207	R	20
28.1102	*	20	28.1130	R	20	28.1208	R	20
28.1103	*	20	28.1130a	R	20	28.1209	R	20
28.1104	R	20	28.1131	R	20	28.1210	R	20
28.1105	*	20	28.1132	R	20	28.1211	*	20
28.1105a	R	20	28.1133	R	20	28.1212	*	20
28.1106	R	20	28.1134	R	20	28.1301	R	20
28.1107	R	20	28.1135	R	20	28.1302	R	20
28.1108	R	20	28.1136	R	20	28.1303	R	20
28.1109	R	20	28.1136a	R	20	28.1304	*	20
28.1110	R	20	28.1136B	*	20	28.1304a	R	20
28.1110a	R	20	28.1137	*	20	28.1305	*	20
28.1110b	R	20	28.1138	*	20	28.1306	R	20
28.1110c	R	20	28.1139	*	20	28.1307	R	20
28.1110d	R	20	28.1140	*	20	28.1308	R	20
28.1110e	R	20	28.1141	*	20	28.1309	R	20
28.1110f	R	20	28.1142	*	20	28.1310	R	20
28.1110g	R	20	28.1143	R	20	28.1311	R	20
28.1110h	R	20	28.1144	*	20	28.1312	R	20
28.1110i	R	20	28.1145	R	20	28.1313	*	20
28.1112	R	20	28.1146	R	20	28.1314	*	20
28.1113	R	20	28.1147	*	20	28.1315	R	20
28.1114	R	20	28.1148	*	20	28.1316	R	20
28.1115	R	20	28.1149	R	20	28.1317	R	20
28.1116	R	20	28.1150	R	20	28.1318	R	20
28.1117a	R	20	28.1151	*	20	28.1319	R	20
28.1117b	R	20	28.1152	R	20	28.1320	*	20
28.1117c	R	20	28.1153	*	20	28.1321	*	20
28.1117d	R	20	28.1154	*	20	28.1322	*	20
28.1118	*	20	28.1155	*	20	28.1401	R	20
28.1119	R	20	28.1156	*	20	28.1402	R	20
28.1120	R	20	28.1157	*	20	28.1403	R	20
28.1121	R	20	28.1158	*	20	28.1404	R	20
28.1122	*	20	28.1201	*	20	28.1404a	R	20
28.1123	*	20	28.1202	*	20	28.1405	R	20
28.1124	*	20	28.1202a	R	20	28.1406	R	20
28.1125	*	20	28.1203	*	20	28.1407	R	20
28.1126	*	20	28.1204	*	20	28.1408	R	20
28.1127	*	20	28.1205	R	20	28.1409	R	20
28.1128	*	20	28.1206	R	20	28.1409a	*	20

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
28.1410	R	20	28.1438	*	20	28.1471	R	20
28.1411	R	20	28.1439	R	20	28.1471a	R	20
28.1412	*	20	28.1440	*	20	28.1472	R	20
28.1413	*	20	28.1440	R	20	28.1473	R	20
28.1414	R	20	28.1440a	R	20	28.1473a	R	20
28.1414a	R	20	28.1440c	R	20	28.1474	R	20
28.1414b	R	20	28.1441	R	20	28.1476	R	20
28.1415	R	20	28.1442	R	20	28.1477	R	20
28.1415a	R	20	28.1443	R	20	28.1478	R	20
28.1415b	R	20	28.1444	R	20	28.1478a	R	20
28.1415c	R	20	28.1445	R	20	28.1479	R	20
28.1415d	R	20	28.1446	*	20	28.1480	R	20
28.1415e	R	20	28.1447	*	20	28.1480a	R	20
28.1415f	R	20	28.1448	*	20	28.1481	R	20
28.1415g	R	20	28.1449	*	20	28.1485	R	20
28.1416b	R	20	28.1450	R	20	28.1487	R	20
28.1416c	*	20	28.1452	*	20	28.1487a	R	20
28.1417	R	20	28.1453	R	20	28.1488	R	20
28.1418	R	20	28.1454	*	20	28.1489	R	20
28.1419	R	20	28.1455	*	20	28.1490	R	20
28.1420	R	20	28.1455a	*	20	28.1490a	*	20
28.1421	R	20	28.1455b	R	20	28.1491	R	20
28.1422	R	20	28.1456	*	20	28.1492	R	20
28.1423	R	20	28.1457	R	20	28.1493	*	20
28.1424	*	20	28.1458	*	20	28.1494	R	20
28.1425	R	20	28.1459	R	20	28.1495	R	20
28.1426	R	20	28.1460	R	20	28.1496	R	20
28.1427	R	20	28.1461	R	20	28.1497	R	20
28.1428	R	20	28.1462	R	20	28.1498	*	20
28.1428a	R	20	28.1462a	R	20	28.1498a	R	20
28.1429	R	20	28.1463	R	20	28.1499	R	20
28.1430	R	20	28.1463a	R	20	28.1601	R	20
28.1431	R	20	28.1464	R	20	28.1602	R	20
28.1432	R	20	28.1465	R	20	28.1603	*	20
28.1433	R	20	28.1466	R	20	28.1604	R	20
28.1434	*	20	28.1467	R	20	28.1604a	R	20
28.1435	R	20	28.1468	R	20	28.1605	R	20
28.1436	R	20	28.1469	R	20	28.1606	R	20
28.1436a	R	20	28.1470	R	20	28.1607	*	20
28.1437	*	20	28.1470a	R	20	28.1608	R	20

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
28.1609	R	20	28.1804	*	20	28.2035	R	20
28.1610	R	20	28.1805	R	20	28.2036	R	20
28.1611	R	20	28.1806	*	20	28.2037	R	20
28.1612	R	20	28.1807	*	20	28.2038	R	20
28.1613	R	20	28.1808	R	20	28.2039	R	20
28.1614	R	20	28.1809	*	20	28.2040	R	20
28.1615	*	20	28.1810	R	20	28.2041	R	20
28.1616	R	20	28.1811	R	20	28.2051	R	20
28.1617	*	20	28.1812	R	20	28.2060	R	20
28.1617a	*	20	28.1813	*	20	28.2061	R	20
28.1618	*	20	28.1814	*	20	28.2071	R	20
28.1619	R	20	28.1815	*	20	28.2072	R	20
28.1620	R	20	28.1816	R	20	28.2073	R	20
28.1621	R	20	28.1817	R	20	28.2074	R	20
28.1622	R	20	28.1818	*	20	28.2075	R	20
28.1623	R	20	28.1819	*	20	28. 1117	R	20
28.1623a	R	20	28.1820	*	20	281.1224	*	3
28.1624	R	20	28.1821	*	20	285.351	N	4
28.1625	R	20	28.1822	*	20	285.352	N	4
28.1626	R	20	28.1823	R	20	285.353	N	4
28.1627	R	20	28.1823a	R	20	285.354	N	4
28.1701	*	20	28.1823b	R	20	285.355	N	4
28.1702	*	20	28.1824	R	20	285.356	N	4
28.1703	*	20	28.1901	*	20	285.400.1	R	12
28.1703a	R	20	28.1902	*	20	285.402.1	R	12
28.1705	*	20	28.1903	*	20	285.404.1	R	12
28.1706	*	20	28.1904	*	20	285.405.1	R	12
28.1707	*	20	28.1905	*	20	285.407.1	R	12
28.1708	*	20	28.2001	R	20	285.407.2	R	12
28.1709	*	20	28.2011	R	20	285.407.3	R	12
28.1710	*	20	28.2012	R	20	285.407.4	R	12
28.1711	*	20	28.2013	R	20	285.407.5	R	12
28.1712	R	20	28.2014	R	20	285.407.6	R	12
28.1713	*	20	28.2021	R	20	285.408.1	R	12
28.1714	*	20	28.2022	R	20	285.408.2	R	12
28.1715	*	20	28.2023	R	20	285.408.3	R	12
28.1716	*	20	28.2031	R	20	285.408.4	R	12
28.1801	*	20	28.2032	R	20	285.408.5	R	12
28.1802	*	20	28.2033	R	20	285.408.2	R	12
28.1803	*	20	28.2034	R	20	285.408.5	R	12

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2002 MR Issue Number	R Number	Action	2002 MR Issue Number	R Number	Action	2002 MR Issue Number
285.408.6	R	12	285.814.2	*	8	285.1327	*	6
285.408.7	R	12	285.814.3	*	8	285.1328	*	6
285.408.8	R	12	285.814.4	*	8	285.1329	*	6
285.408.9	R	12	285.814.5	*	8	285.1330	*	6
285.408.10	R	12	285.814.7	*	8	285.1331	*	6
285.408.11	R	12	285.820.1	*	8	285.1332	*	6
285.408.12	R	12	285.820.5	*	8	285.1401	*	6
285.408.13	R	12	285.820.6	*	8	285.1402	R	6
285.408.14	R	12	285.1101	*	6	285.1403	*	6
285.408.15	R	12	285.1102	*	6	285.1404	R	6
285.408.16	R	12	285.1103	*	6	285.1405	*	6
285.408.17	R	12	285.1104	*	6	285.1406	*	6
285.408.18	R	12	285.1201	*	6	285.1407	R	6
285.408.19	R	12	285.1202	*	6	285.1408	*	6
285.408.21	R	12	285.1203	*	6	285.1501	*	6
285.408.23	R	12	285.1301	*	6	285.1510a	A	6
285.408.24	R	12	285.1302	*	6	285.1502	*	6
285.408.25	R	12	285.1303	*	6	285.1503	*	6
285.408.27	R	12	285.1304	*	6	285.1504	*	6
285.408.29	R	12	285.1306	*	6	285.1505	*	6
285.409.1	R	12	285.1307	*	6	285.1506	*	6
285.636.1	*	13	285.1308	*	6	285.1507	*	6
285.636.2	*	13	285.1309	*	6	285.1508	*	6
285.636.3	*	13	285.1310	*	6	285.1509	*	6
285.636.4	*	13	285.1311	*	6	285.1510	*	6
285.636.5	*	13	285.1312	*	6	285.1511	*	6
285.636.7	*	13	285.1313	*	6	285.1512	*	6
285.636.8	*	13	285.1314	*	6	285.1513	*	6
285.636.10	R	13	285.1315	*	6	285.1514	*	6
285.636.12	*	13	285.1316	*	6	285.1515	*	6
285.636.15	*	13	285.1317	*	6	285.1516	R	6
285.808.1	*	8	285.1318	*	6	285.1517	*	6
285.808.2	*	8	285.1319	*	6	285.1601	R	6
285.812.1	*	13	285.1320	*	6	285.1602	*	6
285.812.3	*	13	285.1321	*	6	285.1603	*	6
285.812.4	*	13	285.1322	*	6	285.1604	*	6
285.812.6	*	13	285.1323	*	6	285.1605	*	6
285.812.6a	R	13	285.1324	*	6	285.1606	*	6
285.812.7a	*	13	285.1325	*	6	285.1607	*	6
285.814.1	*	8	285.1326	*	6	285.1608	R	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
285.1609	R	6	291.344	*	8	291.425	*	8
285.1701	*	6	291.345	*	8	291.426	*	8
285.1702	*	6	291.346	*	8	291.427	*	8
285.1703	*	6	291.347	*	8	291.441	*	8
285.1704	*	6	291.351	*	8	291.442	*	8
285.1705	*	6	291.352	*	8	291.443	*	8
285.1801	*	6	291.353	*	8	291.449	*	8
285.1901	*	6	291.354	*	8	291.450	*	8
285.1902	*	6	291.355	*	8	291.471	*	8
285.1903	*	6	291.356	*	8	291.472	R	8
285.1904	*	6	291.357	*	8	291.473	R	8
285.1905	*	6	291.358	*	8	291.475	R	8
285.1906	*	6	291.359	*	8	291.476	R	8
285.1907	*	6	291.360	*	8	291.478	R	8
291.301	*	8	291.363	*	8	291.479	R	8
291.303	*	8	291.365	*	8	291.480	R	8
291.304	*	8	291.375	*	8	291.491	*	8
291.311	*	8	291.377	*	8	291.492	*	8
291.312	*	8	291.378	*	8	291.493	*	8
291.313	*	8	291.379	*	8	291.494	*	8
291.314	*	8	291.381	*	8	291.495	R	8
291.315	*	8	291.391	*	8	291.496	*	8
291.316	*	8	291.392	*	8	291.497	*	8
291.317	*	8	291.393	*	8	299.641	R	12
291.318	*	8	291.394	*	8	299.642	R	12
291.319	*	8	291.395	*	8	299.643	R	12
291.321	*	8	291.397	*	8	299.644	R	12
291.322	*	8	291.398	*	8	299.645	R	12
291.331	*	8	291.399	*	8	299.646	R	12
291.332	*	8	291.400a	A	8	299.647	R	12
291.333	*	8	291.401	*	8	299.648	R	12
291.334	*	8	291.402	*	8	299.649	R	12
291.335	*	8	291.403	*	8	299.650	R	12
291.336	*	8	291.404	*	8	299.651	R	12
291.337	*	8	291.405	*	8	299.652	R	12
291.338	*	8	291.407	A	8	299.653	R	12
291.339	*	8	291.413	*	8	299.654	R	12
291.341	*	8	291.422	*	8	299.655	R	12
291.342	*	8	291.423	*	8	299.656	R	12
291.343	*	8	291.424	A	8	299.657	R	12

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
299.658	R	12	325.10112	*	10	336.1113	*	10
299.659	R	12	325.10116	A	10	336.1118	*	10
299.1027	*	12	325.10410	*	10	336.1120	*	10
318.111	*	13	325.10604c	*	10	336.1301	*	5
318.112	R	13	325.10604f	*	10	336.1303	*	5
318.113	R	13	325.10705	*	10	336.1330	*	5
318.114	R	13	325.10710	*	10	336.1331	*	5
318.115	R	13	325.10710a	*	10	336.1371	*	5
318.116	R	13	325.10710b	*	10	336.1372	*	5
318.117	R	13	325.10710c	*	10	336.1374	*	5
318.118	R	13	325.10710d	*	10	336.1401	*	5
318.119a	R	13	325.10716	*	10	336.1403	*	5
318.119c	R	13	325.10717b	*	10	336.1601	*	5
318.119d	R	13	325.10734	*	10	336.1602	*	5
318.120	R	13	325.10736	R	10	336.1604	*	5
318.121	*	13	325.10738	R	10	336.1605	*	5
318.122	*	13	325.11506	*	10	336.1606	*	5
318.123	*	13	325.35001	A	18	336.1607	*	5
318.124	*	13	325.35002	A	18	336.1608	*	5
318.126	R	13	325.35003	A	18	336.1610	*	5
318.127	*	13	325.35004	A	18	336.1615	*	5
318.129	*	13	325.35005	A	18	336.1616	*	5
318.133	*	13	325.35006	A	18	336.1617	*	5
318.134	*	13	325.35007	A	18	336.1618	*	5
318.135	R	13	325.35008	A	18	336.1619	*	5
318.136	*	13	325.35009	A	18	336.1622	*	5
318.141	*	13	325.35010	A	18	336.1623	*	5
318.142	*	13	325.35011	A	18	336.1627	*	5
318.143	*	13	325.60151	*	1	336.1628	*	5
318.144	*	13	325.60701	A	14	336.1629	*	5
318.145	*	13	325.60702	A	14	336.1630	*	5
318.145b	*	13	325.60703	A	14	336.1631	*	5
318.146	*	13	325.60704	A	14	336.1651	*	5
318.147	R	13	325.66201	A	4	336.1701	*	5
325.10103	*	10	325.77101	*	1	336.1702	*	5
325.10105	*	10	336.1102	*	10	336.1703	*	5
325.10106	*	10	336.1104	*	10	336.1704	*	5
325.10107	*	10	336.1105	*	10	336.1705	*	5
325.10108	*	10	336.1107	*	10	336.1901	*	5
325.10109	*	10	336.1108	*	10	336.1906	*	5

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336.1911	*	5	338.3126	A	7	339.22313	*	16
336.1915	A	10	338.3127	*	7	339.22315	*	16
336.1916	A	10	338.3132	*	7	339.22317	*	16
336.1930	*	5	338.3133	R	7	339.22321	*	16
336.1931	*	5	338.3134	R	7	339.22323	*	16
336.1932	*	5	338.3136	*	7	339.22325	*	16
336.2001	*	5	338.3138	*	7	339.22333	*	16
336.2002	*	5	338.3139	*	7	339.22339	*	16
336.2003	*	5	338.3141	*	7	339.22401	*	16
336.2004	*	5	338.3143	*	7	339.22515	*	16
336.2005	*	5	338.3145	*	7	339.22519	*	16
336.2007	*	5	338.3151	*	7	339.22523	*	16
336.2011	*	5	338.3152	*	7	339.22525	R	16
336.2012	*	5	338.3153	*	7	339.22527	*	16
336.2013	*	5	338.3153a	*	7	339.22601	*	16
336.2014	*	5	338.3154	*	7	339.22602	A	16
336.2021	*	5	338.3161	*	7	339.22604	A	16
336.2040	*	5	338.3162	*	7	339.22605	A	16
336.2041	*	5	338.3162a	*	7	339.22609	*	16
336.2060	*	5	338.3163	*	7	339.22613	*	16
336.2101	*	5	338.3167	*	7	339.22631	*	16
336.2150	*	5	338.3168	*	7	339.22633	R	16
336.2155	*	5	338.3169	*	7	339.22635	R	16
336.2159	*	5	338.3170	*	7	339.22637	R	16
336.2170	*	5	339.22101	*	16	339.22651	*	16
336.2175	*	5	339.22103	*	16	339.22654	A	16
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338.1555	A	1	339.22205	*	16	339.22661	R	16
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338.3113a	*	7	339.22213	*	16	339.23101	*	9
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338.3117	*	7	339.22301	*	16	339.23201	*	9
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338.3120	*	7	339.22307	*	16	339.23207	*	9
338.3121a	A	7	339.22309	*	16	339.23301	*	9
338.3123	*	7	339.22310	A	16	339.23303	*	9
338.3125	*	7	339.22311	*	16	339.23307	*	9

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339.23311	*	9	340.1723	R	11	340.1755	*	11
339.23317	*	9	340.1723a	R	11	340.1756	*	11
339.23319	*	9	340.1723b	R	11	340.1757	*	11
339.23321	*	9	340.1723c	*	11	340.1758	*	11
339.23323	*	9	340.1724	*	11	340.1771	*	11
339.23326	A	9	340.1724a	*	11	340.1772	*	11
339.23401	*	9	340.1724b	R	11	340.1773	R	11
339.23403	*	9	340.1724c	A	11	340.1774	A	11
339.23405	*	9	340.1724d	*	11	340.1781	*	11
340.1701	*	11	340.1725	R	11	340.1782	*	11
340.1701a	*	11	340.1725a	R	11	340.1783	*	11
340.1701b	*	11	340.1725b	R	11	340.1783a	A	11
340.1701c	A	11	340.1725c	R	11	340.1784	R	11
340.1702	*	11	340.1725d	R	11	340.1785	R	11
340.1703	R	11	340.1725e	*	11	340.1786	*	11
340.1704	R	11	340.1725f	A	11	340.1787	*	11
340.1705	*	11	340.1732	*	11	340.1788	*	11
340.1706	*	11	340.1733	*	11	340.1790	*	11
340.1707	*	11	340.1734	*	11	340.1791	R	11
340.1708	*	11	340.1736	R	11	340.1792	*	11
340.1709	*	11	340.1737	R	11	340.1793	*	11
340.1709a	A	11	340.1738	*	11	340.1793a	A	11
340.1710	*	11	340.1739	*	11	340.1794	R	11
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340.1713	*	11	340.1741	*	11	340.1796	*	11
340.1714	*	11	340.1742	*	11	340.1797	*	11
340.1715	*	11	340.1743	*	11	340.1798	*	11
340.1716	A	11	340.1744	*	11	340.1799	*	11
340.1721	*	11	340.1745	*	11	340.1799a	*	11
340.1721a	*	11	340.1746	*	11	340.1799b	*	11
340.1721b	*	11	340.1747	*	11	340.1799c	*	11
340.1721c	*	11	340.1748	*	11	340.1799d	R	11
340.1721d	*	11	340.1749	*	11	340.1799e	A	11
340.1721e	*	11	340.1749a	*	11	340.1799f	A	11
340.1722	*	11	340.1749b	*	11	340.1801	*	11
340.1722a	*	11	340.1749c	*	11	340.1802	*	11
340.1722c	R	11	340.1750	*	11	340.1803	*	11
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340.1722e	*	11	340.1753	R	11	340.1806	R	11

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340.1809	*	11	408.11824	*	7	408.30564	A	19
340.1810	*	11	408.11825	*	7	408.30565	A	19
340.1811	*	11	408.11826	R	7	408.30566	A	19
340.1812	*	11	408.11827	A	7	408.30567	A	19
340.1831	*	11	408.11833	A	7	408.30568	A	19
340.1832	*	11	408.11835	*	7	408.30569	A	19
340.1833	*	11	408.11837	R	7	408.30570	A	19
340.1834	R	11	408.11841	*	7	408.30571	A	19
340.1835	*	11	408.11843	*	7	408.30572	A	19
340.1836	*	11	408.11844	A	7	408.30573	A	19
340.1837	*	11	408.11845	*	7	408.30574	A	19
340.1838	*	11	408.11847	*	7	408.30575	A	19
340.1839	*	11	408.11851	*	7	408.30576	A	19
340.1851	*	11	408.11852	*	7	408.30577	A	19
340.1852	*	11	408.11853	*	7	408.40114	*	14
340.1853	*	11	408.11854	A	7	408.40128	*	14
340.1861	*	11	408.11855	*	7	408.40132	*	14
340.1862	R	11	408.11857	*	7	408.40133	*	14
340.1863	R	11	408.11859	*	7	408.40134	A	14
340.1864	R	11	408.11861	*	7	408.41801	*	17
340.1865	R	11	408.11865	*	7	408.41802	A	17
340.1866	R	11	408.11871	*	7	408.41836	*	17
340.1867	R	11	408.11872	*	7	408.41837	*	17
340.1868	R	11	408.11873	A	7	408.41838	*	17
340.1869	R	11	408.11874	A	7	408.41841	*	17
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340.1871	R	11	408.30429a	A	19	408.41851	*	17
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340.1873	R	11	408.30552	A	19	408.41853	*	17
390.1801	*	19	408.30553	A	19	408.41861	*	17
408.8151	*	13	408.30554	A	19	408.41863	*	17
408.11801	*	7	408.30555	A	19	408.41864	*	17
408.11803	*	7	408.30556	A	19	408.41866	*	17
408.11804	*	7	408.30557	A	19	408.41868	*	17
408.11805	*	7	408.30558	A	19	408.41869	*	17
408.11806	*	7	408.30559	A	19	408.41871	*	17
408.11807	A	7	408.30560	A	19	408.41875	*	17
408.11808	A	7	408.30561	A	19	408.41876	*	17
408.11821	*	7	408.30562	A	19	408.41877	*	17

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408.41884	*	17	418.10107	*	1	423.102	A	1
408.42601	*	17	418.10115	*	1	423.103	A	1
408.42602	A	17	418.10116	*	1	423.104	A	1
408.42604	A	17	418.10117	*	1	423.105	A	1
408.42605	A	17	418.10202	*	1	423.121	A	1
408.42606	*	17	418.10205	*	1	423.122	A	1
408.42608	A	17	418.10405	R	1	423.123	A	1
408.42609	*	17	418.10406	R	1	423.124	A	1
408.42610	*	17	418.10407	R	1	423.131	A	1
408.42614	*	17	418.10411	R	1	423.132	A	1
408.42615	R	17	418.10415	R	1	423.133	A	1
408.42616	A	17	418.10501	R	1	423.134	A	1
408.42617	R	17	418.10502	R	1	423.135	A	1
408.42618	*	17	418.10503	R	1	423.136	A	1
408.42620	A	17	418.10901	*	1	423.137	A	1
408.42621	R	17	418.10904	*	1	423.138	A	1
408.42622	A	17	418.10909	A	1	423.141	A	1
408.42623	R	17	418.10912	*	1	423.142	A	1
408.42626	A	17	418.10916	*	1	423.143	A	1
408.42628	A	17	418.10918	R	1	423.144	A	1
408.42629	A	17	418.10923	*	1	423.145	A	1
408.42630	R	17	418 101005	A	1	423.146	A	1
408.42632	R	17	421.121	*	7	423.147	A	1
408.42634	A	17	421.122	*	7	423.148	A	1
408.42636	A	17	421.150	*	7	423.149	A	1
408.42638	A	17	421.190	*	7	423.149a	A	1
408.42640	*	17	421.201	*	7	423.149b	A	1
408.42642	R	17	421.204	*	7	423.151	A	1
408.42643	A	17	421.216	*	7	423.152	A	1
408.42644	A	17	421. 210	*	7	423.153	A	1
408.42645	A	17	421.1101	*	17	423.154	A	1
408.42646	A	17	421.1103	*	17	423.155	A	1
408.42648	A	17	421.1110	*	17	423.156	A	1
408.42650	R	17	421.1111	*	17	423.157	A	1
408.42651	A	17	421.1203	*	17	423.158	A	1
408.42653	A	17	421.1208	*	17	423.161	A	1
408.42654	R	17	421.1304	*	17	423.162	A	1
408.42655	A	17	421.1305	*	17	423.163	A	1
408.42656	R	17	421.1307	*	17	423.164	A	1
418.101002	*	1	423.101	A	1	423.165	A	1

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423.173	A	1	423.453	R	1
423.174	A	1	423.454	R	1
423.175	A	1	423.455	R	1
423.176	A	1	423.456	R	1
423.177	A	1	423.461	R	1
423.178	A	1	423.462	R	1
423.179	A	1	423.463	R	1
423.181	A	1	423.464	R	1
423.182	A	1	423.465	R	1
423.183	A	1	423.466	R	1
423.184	A	1	423.467	R	1
423.191	A	1	423.468	R	1
423.192	A	1	423.469	R	1
423.193	A	1	423.470	R	1
423.194	A	1	423.471	R	1
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423.403	R	1	423.481	R	1
423.405	R	1	423.482	R	1
423.407	R	1	423.483	R	1
423.411	R	1	423.484	R	1
423.421	R	1			
423.422	R	1			
423.423	R	1			
423.431	R	1			
423.432	R	1			
423.433	R	1			
423.434	R	1			
423.435	R	1			
423.441	R	1			
423.442	R	1			
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